

THE UNIVERSITY OF CHICAGO

IN CHARGE

JOHN H. COOPER

1917-1918

1918-1919

1919-1920

1920-1921

1921-1922

1922-1923

THE UNIVERSITY OF CHICAGO
CHICAGO, ILL. 60637
1923-1924
1924-1925

LEGISLATIVE ASSEMBLY

OF ONTARIO

SECOND SESSION
THIRTY-FOURTH PARLIAMENT

BILLS
AS ENACTED

SESSION

April 25 to July 26, 1989

October 10 to December 20, 1989

and

March 19 to June 28, 1990

INDEX

SECOND SESSION THIRTY-FOURTH PARLIAMENT

PUBLIC BILLS (GOVERNMENT)

A

Aggregate Resources Act, 1989	170
Agreement between the Governments of Canada and Ontario (see Indian Lands)	
Amusement Devices Amendment Act, 1989	205
Assessment Amendment Act, 1989	37
Automobile Insurance Rates Control Act, 1989	10

B

Brucellosis Repeal Act, 1989	40
Business Information Statute Law Amendment Act, 1989	79
Business Names Act, 1990	108

C

Cemeteries Act, 1989	31
Children's Law Reform Amendment Act, 1989	124
Commercial Concentration Tax Act, 1989	46
Construction Lien Amendment Act, 1989	102
Construction Lien Amendment Act, 1990	215
Corporations and Limited Partnerships (see Business Information Statute Law)	
County of Simcoe Act, 1990	177
Court Reform Statute Law Amendment Act, 1989	3
Courts of Justice Amendment Act, 1989	2
Courts of Justice Amendment Act, 1989	62
Courts of Justice Amendment Act, 1989	69
Courts of Justice Amendment Act, 1989	81

D

Development Charges Act, 1989	20
District Municipality of Muskoka Statute Law Amendment Act, 1989	34

E

Easement Statute Law Amendment Act, 1990	106
Education Amendment Act, 1989	5
Education Statute Law Amendment Act, 1989	64
Elevating Devices Amendment Act, 1989	206
Employer Health Tax Act, 1989	47
Energy Amendment Act, 1989	207
Environmental Protection Amendment Act, 1989	218
Environmental Protection Statute Law Amendment Act, 1990	226
Evidence Amendment Act, 1989	70
Executive Council Amendment Act, 1989	94

F

Fines and Terms of Imprisonment (see Provincial Penalties Adjustment)	
Freedom of Information (see Municipal)	
Freedom of Information and Protection of Privacy Amendment Act, 1989	84
Fuel Tax Amendment Act, 1989	21
Funeral Directors and Establishments Act, 1989	30

G

Gasoline Tax Amendment Act, 1989	24
--	----

H

Health Tax (see Employer)	
Highway Traffic Amendment Act, 1989	95
Highway Traffic Amendment Act, 1989	219

I

Income Tax Amendment Act, 1989	60
Independent Health Facilities Act, 1989	147
Indian Lands Agreement Confirmation Act, 1989	200
Insurance Statute Law Amendment Act, 1990	68

J

Justices of the Peace Act, 1989 - Loi de 1989 sur les juges de paix	93
--	----

L

Land Transfer Tax Amendment Act, 1989	23
Land Transfer Tax Amendment Act, 1989	48
Landlord and Tenant Amendment (Animals) Act, 1990	225
Law Society Amendment (Insurance) Act, 1990	164
Law Society (see Legal Profession Statute Law)	
Legal Profession Statute Law Amendment Act, 1990	45
Legislative Assembly Amendment Act, 1989	91
Limited Partnerships (see Business Information Statute Law)	
Liquor Licence Act, 1990	175

M

McMichael Canadian Art Collection Act, 1989	209
Mining Amendment Act, 1989	71
Mining Tax Amendment Act, 1990	104
Ministry of Transportation and Communications	
Creditors Payment Repeal Act, 1989	101
Municipal Amendment Act, 1989	201
Municipal Freedom of Information and Protection of Privacy Act, 1989 - Loi de 1989 sur l'accès à l'information	
Municipale et la protection de la vie privée	49
Municipal Freedom of Information Statute Law Amendment Act, 1989	52
Municipal Statute Law Amendment Act, 1989	90
Municipality of Metropolitan Toronto Amendment Act, 1989	53
Muskoka (see District Municipality)	

N

Notaries Amendment Act, 1989	63
------------------------------------	----

0

Occupational Health and Safety Statute Law Amendment Act, 1990 ...	208
Ontario Home Ownership Savings Plan Amendment Act, 1990	109
Ontario Loan Act, 1989	17
Ontario Lottery Corporation Amendment Act, 1989	119
Ontario Lottery Corporation Amendment Act, 1990	114
Ontario Mineral Exploration Program Act, 1989	33
Ontario Municipal Board Amendment Act, 1989	1
Ontario Municipal Improvement Corporation Amendment Act, 1989	18
Ottawa-Carleton French-Language School Board Amendment Act, 1989 - Loi de 1989 modifiant la Loi sur le Conseil scolaire de langue française d'Ottawa-Carleton	65

P

Police and Sheriffs Statute Law Amendment Act, 1989	187
Police Services Act, 1990	107
Power Corporation Amendment Act, 1989	19
Power Corporation Amendment Act, 1989	204
Provincial Offences and Highway Traffic Amendment Act, 1989	189
Provincial Penalties Adjustment Act, 1989	92
Public Service Pension Act, 1989	36

R

Raising of Money on the Credit of the Consolidated Revenue Fund. (see Ontario Loan)	
Regulations Revision Act, 1989 - Loi de 1989 sur la refonte des règlements	75
Rental Housing Protection Act, 1989	211
Retail Sales Tax Amendment Act, 1989	22

S

Sarnia-Lambton Act, 1989	35
Simcoe (see County)	
Smoking in the Workplace Act, 1989	194
Solicitors (see Legal Profession Statute Law)	
South Dumfries (see Township)	
Statutes Revision Act, 1989 - Loi de 1989 sur la refonte des lois	74
Supply Act, 1989 - Loi de crédits de 1989	109

T

Teachers' Pension Act, 1989	66
Terms of Imprisonment (see Provincial Penalties Adjustment)	
Tobacco Tax Amendment Act, 1990	160
Toronto Transit Commission Labour Disputes Settlement Act, 1989 ..	58
Township of South Dumfries Act, 1989	55

U

Unclaimed Intangible Property Act, 1989	86
---	----

V

Veterinarians Act, 1989	39
Vital Statistics Amendment Act, 1990	150

W

Workers' Compensation Amendment Act, 1989	162
---	-----

PRIVATE MEMBERS' PUBLIC BILLS

O

tario Food Terminal Amendment Act, 1990	167
---	-----

R

resentation Amendment Act, 1990	115
---------------------------------------	-----

PRIVATE BILLS

561239 Ontario Inc. Act, 1989	Pr10
393598 Ontario Limited Act, 1989	Pr49

A

Angelato Service Centre Ltd. Act, 1989	Pr26
Association of Municipal Tax Collectors Act, 1989	Pr25
Association of Stoney Lake Cottagers Inc. Act, 1990	Pr55
Astcam Co. Limited Act, 1989	Pr51
AXA Home Insurance Company Act, 1990	Pr69

B

Bolsward Investments Limited Act, 1989	Pr20
Brampton Act, 1990 - City of	Pr43
Brantford and Southern Railway Company Inc. Act, 1989	Pr54
Bruce Office Supply Limited Act, 1989	Pr23

C

Centre culturel d'Orléans Act, 1989 - Loi de 1989 sur le	
Centre culturel d'Orléans	Pr6
City of Chatham Foundation Act, 1990	Pr61

D

Dinorwic Metis Corporation Act, 1990	Pr93
--	------

E

East York-Scarborough Reading Association Inc. Act, 1989	Pr48
Empire Club Foundation Act, 1990	Pr87
Etobicoke Act, 1989 - City of	Pr50

F

Fort Erie Community Young Men's Christian	
Association Act, 1989	Pr18
Fort Erie Lions Senior Citizens Complex Inc. Act, 1989	Pr37
Front of Leeds and Lansdowne Act, 1990 - Township of	Pr68

G

Gowganda Town Plot Land Act, 1989	Pr5
Grand Valley Railway Co. Inc. Act, 1989	Pr33
Guelph Act, 1989 - City of	Pr42
Guilford Act, 1990 - Township of	Pr79
Gursikh Sabha Canada Act, 1990	Pr58

H

Hamilton Act, 1989 - City of	Pr13
Harewood Park Association Act, 1990	Pr67
Homes Unlimited (London) Inc. Act, 1989	Pr52
Human Resources Professionals Association of Ontario Act, 1990	Pr70

I

Immanuel Christian School Society of East Toronto Act, 1990 ...	Pr40
Innomed Inc. Act, 1989	Pr27
Iroquois Falls Act, 1989 - Town of	Pr31

J

Jabko Holdings Ltd. Act, 1990	Pr76
-------------------------------------	------

K

Killaloe Act, 1989 - Village of	Pr22
Kingston and townships of Kingston, Pittsburgh and Ernestown Act, 1989 - City of -	Pr24
Kingston and townships of Kingston, Pittsburgh and Ernestown Act, 1990 - City of	Pr97

L

Lake of the Woods District Hospital Act, 1990	Pr4
London Regional Art and Historical Museums Act, 1989	Pr1

M

Madawaska Club Limited Act, 1989	Pr1
Mississauga Act, 1990 - City of	Pr7

N

National Capital Children's Oncology Care Inc. Act, 1990	Pr8
Niagara-on-the-Lake Act, 1990 - Town of	Pr38
North Bay Act, 1990 - City of	Pr57

O

Ontario Home Economics Association Act, 1989	Pr35
Ontario Korean Businessmen's Association Act, 1990	Pr73
Ontario Midwestern Railway Company Limited Act, 1989	Pr45
Ontario Mortgage Brokers Association Act, 1989	Pr46
Ontario Skeet Shooting Association Act, 1990	Pr64
Ottawa Act, 1989 - City of	Pr38
Ottawa Act, 1990 - City of	Pr60
Ottawa Arts Centre Foundation Act, 1990	Pr41
Ottawa Charitable Foundation Board of Trustees (see Ottawa Act, 1989 - City of)	

P

P & P Murray Foundation Act, 1990	Pr36
Pylympton Act, 1990 - Township of	Pr65
Port Bruce Boat Club Act, 1989	Pr19

R

Regis College Act, 1989	Pr30
Royal Botanical Gardens Act, 1989	Pr7
Royal Canadian Legion Act, 1990	Pr44

S

St. George's Society of Toronto Act, 1990	Pr90
Sarnia General Hospital Act, 1989	Pr3
Silayan Filipino Community Centre Act, 1990	Pr72
Simcoe Act, 1990 - Town of	Pr66
Sioux Lookout District Health Centre Act, 1990	Pr59
South Simcoe Railway Heritage Act, 1989	Pr21
Stoney Lake Cottagers (see Association)	

T

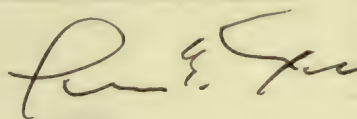
Thunder Bay Act, 1990 - City of	Pr92
Times Change Women's Employment Service Inc. Act, 1989	Pr56
Toronto Act, 1989 - City of	Pr1
Toronto Act, 1989 - City of	Pr32
Toronto Act, 1990 - City of	Pr4
Toronto Act, 1990 - City of	Pr62
Toronto Baptist Seminary and Bible College Act, 1989	Pr29

V

Victoria County Railway Company Limited Act, 1990	Pr63
---	------

W

Windsor Act, 1989 - City of	Pr9
-----------------------------------	-----

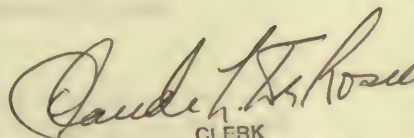


Bill 95

*(Chapter 87
Statutes of Ontario, 1989)*

An Act to amend the Highway Traffic Act

The Hon. W. Wrye
Minister of Transportation



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	December 7th, 1989
<i>2nd Reading</i>	December 13th, 1989
<i>3rd Reading</i>	December 19th, 1989
<i>Royal Assent</i>	December 19th, 1989

Bill 95

1989

An Act to amend the Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 (1) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 48, section 1, 1983, chapter 63, section 1 and 1989, chapter 54, section 1, is further amended by adding thereto the following paragraphs:

6a. “conviction” includes a disposition made under the *Young Offenders Act* (Canada);

R.S.C. 1985,
c. Y-1

35a. “state of the United States of America” includes the District of Columbia.

(2) Section 1 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 48, section 1, 1983, chapter 63, section 1 and 1989, chapter 54, section 1, is further amended by adding thereto the following subsection:

(5) Any reference in this Act or the regulations to a conviction or discharge for an offence under the *Criminal Code* (Canada) includes a conviction or discharge for the corresponding offence under the *National Defence Act* (Canada).

Idem
R.S.C. 1985,
cc. C-46,
N-5

2.—(1) Subsection 7 (11) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 1, is amended by inserting after “permits” in the second line “or provides any other service in relation to permits”.

(2) Subsection 7 (14) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 15, section 2 and 1983, chapter 63, section 2, is further amended by adding thereto the following clause:

- (k) prescribing conditions precedent or subsequent for the issuing or validating of any class of permit or number plate or the issuing of any evidence of validation.

3. Subsection 15a (1) of the said Act, as enacted by the Statutes of Ontario, 1988, chapter 44, section 2, is amended by striking out “sections 15d and 15e” in the first line and inserting in lieu thereof “sections 15b to 15h”.

4. The said Act is amended by adding thereto the following section:

Liability
insurance for
commercial
motor
vehicles
R.S.O. 1980,
cc. 83, 218

15h.—(1) No operator or owner of a commercial motor vehicle shall operate the vehicle or cause or permit the vehicle to be operated on a highway unless, in addition to the minimum liability insurance required under the *Compulsory Automobile Insurance Act*, motor vehicle liability insurance in the amount prescribed by the regulations is carried for the vehicle with an insurer licensed under the *Insurance Act*.

Non-residents

(2) If an operator or owner of a commercial motor vehicle is not a resident of Ontario, the insurance required by subsection (1) may be carried with an insurer who is authorized to transact the insurance in the state or province in which the owner or operator resides.

Driver to
carry
evidence of
insurance

(3) Every driver of a commercial motor vehicle shall carry evidence of a type prescribed by the regulations that the vehicle is insured as required by this section and shall surrender the evidence for reasonable inspection upon the demand of a police officer.

Offence

(4) An operator or owner who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$500 and not more than \$2,500.

Idem

(5) A driver who contravenes subsection (3) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500.

Regulations

(6) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the amount of motor vehicle liability insurance to be carried for a commercial motor vehicle;

- (b) prescribing documents that may be accepted as evidence that a commercial motor vehicle is insured as required by this section.

5.—(1) Section 18 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 7, 1984, chapter 21, section 3, 1985, chapter 13, section 2 and 1989, chapter 54, sections 4 and 5, are further amended by adding thereto the following subsection:

(4a) No person who is the owner or is in possession or control of a motor vehicle equipped with air brakes shall permit any person to drive the vehicle on a highway unless the licence of that person is endorsed to permit the driving of a vehicle equipped with air brakes. Idem

(2) Subsection 18 (10) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 63, section 7, is amended by striking out “subsection (1) or (1a)” in the first line and inserting in lieu thereof “subsection (1), (1a), (1b), (4) or (4a)”.

6. The said Act is further amended by adding thereto the following section:

25a.—(1) The Minister, with the approval of the Lieutenant Governor in Council, may enter into a reciprocal agreement with the government of any state of the United States of America providing for, Agreements with U.S. states

(a) the sanctioning by the licensing jurisdiction of drivers from that jurisdiction who commit offences in the other jurisdiction; and

(b) on a driver's change of residence, the issuance of a driver's licence by one jurisdiction in exchange for a driver's licence issued by the other jurisdiction.

(2) The provisions of this Act and the regulations with respect to the licensing of drivers are subject to any agreement made under this section. Effect of agreement

7.—(1) Clause 26 (1) (a) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 3, is amended by striking out “203, 204 or 219” in the first line and inserting in lieu thereof “220, 221 or 236”.

(2) Clause 26 (1) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 3, is amended by striking out “233, 236, 237 or 239” in the first line and insert-

ing in lieu thereof “249, 252, 253 or 255” and by inserting after “vehicle” in the third line “or street car”.

(3) Clause 26 (1)(c) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 3, is amended by striking out “238 (5)” in the first line and inserting in lieu thereof “254 (5)” and by inserting after “vehicle” in the fourth line “or street car”.

(4) Subsection 26 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 3, is amended by striking out “or” at the end of clause (c) and by adding thereto the following clause:

- (ca) under a provision that is enacted by a state of the United States of America and that is designated by the regulations; or

(5) Subsection 26 (4) of the said Act, as amended by the Statutes of Ontario, 1985, chapter 13, section 3, is repealed and the following substituted therefor:

Order for
discharge

(4) This section applies in the same manner as if a person were convicted of an offence if the person pleads guilty to or is found guilty of an offence referred to in subsection (1) and,

R.S.C. 1985,
c. C-46

- (a) an order directing that the accused be discharged is made under section 736 of the *Criminal Code* (Canada) or under a provision that is enacted by a state of the United States of America and that is designated by the regulations; or

R.S.C. 1985,
c. Y-1

- (b) a disposition is made under section 20 or sections 28 to 32 of the *Young Offenders Act* (Canada), including a confirmation or variation of the disposition.

8.—(1) Subsection 27 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 4, is repealed and the following substituted therefor:

Suspension
for driving
while
disqualified

(1) The driver's licence of a person who is convicted of an offence under subsection 259 (4) of the *Criminal Code* (Canada) or under a provision that is enacted by a state of the United States of America and that is designated by the regulations is thereupon suspended for a period of,

- (a) upon the first conviction, one year; and

(b) upon a subsequent conviction, two years,

in addition to any other period for which the licence is suspended and consecutively thereto.

(2) Subsection 27 (2) of the said Act is repealed and the following substituted therefor:

(2) This section applies in the same manner as if a person were convicted of an offence if the person pleads guilty to or is found guilty of an offence referred to in subsection (1) and,

Order for
discharge

(a) an order directing that the accused be discharged is made under section 736 of the *Criminal Code* (Canada) or under a provision that is enacted by a state of the United States of America and that is designated by the regulations; or

R.S.C. 1985,
c. C-46

(b) a disposition is made under section 20 or sections 28 to 32 of the *Young Offenders Act* (Canada), including a confirmation or variation of the disposition.

R.S.C. 1985,
c. Y-1

(3) The Lieutenant Governor in Council may make regulations designating provisions enacted by a state of the United States of America for purposes of this section and section 26.

Regulations

9.—(1) Subsection 27a (1) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 13, section 5, is amended by striking out “242” in the second line and inserting in lieu thereof “259” and by inserting after “vehicle” in the fourth line “or street car”.

(2) Subsection 27a (2) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 13, section 5, is amended by striking out “242” in the second line and inserting in lieu thereof “259”.

10. Subsection 27b (1) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 13, section 6, is amended by striking out “242” in the first line and inserting in lieu thereof “259”.

11.—(1) Subsection 30a (1) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 72, section 1 and amended by 1985, chapter 13, section 8, is further amended by striking out “238” in the amendment of 1985 and inserting in lieu thereof “254”.

(2) Subsection 30a (2) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 72, section 1 and amended by 1985, chapter 13, section 8, is further amended by striking out "238" in the amendment of 1985 and inserting in lieu thereof "254" and by striking out "roadside" in the third line.

(3) Subsection 30a (3) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 72, section 1 and amended by 1985, chapter 13, section 8, is further amended by striking out "238" in the amendments of 1985 and inserting in lieu thereof in each instance "254".

(4) Subsection 30a (4) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 72, section 1 and amended by 1985, chapter 13, section 8, is further amended by striking out "238" in the amendment of 1985 and inserting in lieu thereof "254".

(5) Subsection 30a (8) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 72, section 1, is repealed and the following substituted therefor:

Calibration
of screening
device

(8) For the purposes of subsection (2), the approved screening device shall not be calibrated to register "Warn" if the proportion of alcohol in the blood of the person whose breath is being analyzed is less than 50 milligrams of alcohol in 100 millilitres of blood.

(6) Subsection 30a (9) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 72, section 1, is repealed and the following substituted therefor:

Idem

(9) It shall be presumed, in the absence of proof to the contrary, that any approved screening device used for the purposes of subsection (2) has been calibrated as required under subsection (8).

12. Subsections 42 (4) and (5) of the said Act are repealed and the following substituted therefor:

Report as to
cars stored
or parked

(4) If a motor vehicle is placed in the possession of a person who repairs, buys, sells, wrecks or stores motor vehicles or operates a garage business, parking station, parking lot or used car lot and the vehicle remains in the person's possession for more than two weeks without good reason, the person shall forthwith, upon the expiration of the two-week period, make a report to the nearest police officer in accordance with subsection (5a).

(5) If a motor vehicle that shows evidence of having been involved in a serious accident or having been struck by a bullet is brought into a garage, parking station, parking lot, used car lot or repair shop, the person in charge of the garage, parking station, parking lot, used car lot or repair shop shall forthwith make a report to the nearest police officer in accordance with subsection (5a).

Report as to
damaged or
bullet-marked
cars

(5a) A person making a report under subsection (4) or (5) shall give a description of the vehicle and, if known, the vehicle identification number, the permit number, and the name and address of the owner or operator.

Information
to be
reported

13.—(1) Clause 109 (13) (a) of the said Act is amended by striking out “\$1.25” in the second line and inserting in lieu thereof “\$3.00”.

(2) Clause 109 (13) (b) of the said Act is amended by striking out “40” in the first line and inserting in lieu thereof “35” and by striking out “\$1.75” in the third line and inserting in lieu thereof “\$4.50”.

(3) Clause 109 (13) (c) of the said Act is amended by striking out “40” in the first line and inserting in lieu thereof “35”, by striking out “60” in the first line and inserting in lieu thereof “50” and by striking out “\$2.50” in the third line and inserting in lieu thereof “\$7.00”.

(4) Clause 109 (13) (d) of the said Act is amended by striking out “60” in the first line and inserting in lieu thereof “50” and by striking out “\$3.25” in the second line and inserting in lieu thereof “\$9.75”.

14. Subsection 120 (6) of the said Act, as enacted by the Statutes of Ontario, 1989, chapter 54, section 18, is repealed and the following substituted therefor:

(6) No person shall ride a bicycle across a roadway within a pedestrian crossover.

Riding in
pedestrian
crossover
prohibited

15.—(1) Subsection 137 (1) of the said Act is amended by striking out “located on the roof of the vehicle” in the fourth line.

(2) Subsection 137 (2) of the said Act is repealed and the following substituted therefor:

(2) No driver of a vehicle shall follow in any lane of a roadway at a distance of less than 150 metres a fire department vehicle responding to an alarm.

Following
fire
department
vehicle

16. The said Act is further amended by adding thereto the following section:

Alternating
highbeams on
emergency
vehicles

146a.—(1) Notwithstanding section 146, highbeam headlamps that produce alternating flashes of white light may be used by a public utility emergency vehicle while responding to an emergency and by an emergency vehicle as defined in clause 124 (1) (b).

Alternating
highbeams on
other vehicles
prohibited

(2) No person shall use highbeam headlamps that produce alternating flashes of white light on any vehicle other than a vehicle referred to in subsection (1).

17.—(1) Subsection 165a (1) of the said Act, as enacted by the Statutes of Ontario, 1988, chapter 44, section 9, is amended by inserting after “section” in the first line “and in section 165b”.

(2) Clause 165a (7) (e) of the said Act, as enacted by the Statutes of Ontario, 1988, chapter 44, section 9, is amended by inserting after “section” in the second line “and section 165b”.

18. The said Act is further amended by adding thereto the following section:

Exemption
certificate

165b.—(1) An operator may apply in writing to the Registrar for a certificate exempting the operator and any driver employed by or contracted to the operator from any requirement prescribed by the regulations made under clause 165a (7) (c) regarding hours of work.

Issuance

(2) On an application under subsection (1), the Registrar may issue the certificate applied for if the Registrar is satisfied that the operator applying for the certificate has a genuine need for it and the issuance of the certificate is unlikely to jeopardize the safety or health of any person.

Conditions

(3) A certificate issued under this section may contain any conditions that the Registrar considers appropriate and a certificate is subject to the conditions set out therein.

Effect of
certificate

(4) Subject to subsection (5), a certificate issued under this section exempts the operator to whom it is issued and any driver employed by or contracted to that operator from those requirements prescribed by the regulations made under clause 165a (7) (c) that are set out in the certificate.

Where
certificate
does not
apply

(5) A certificate issued under this section does not apply to exempt,

- (a) an operator who is in contravention of any condition set out in the certificate;
- (b) a driver who is in contravention of any condition set out in the certificate or who is in contravention of subsection (7); or
- (c) an operator for whom a driver referred to in clause (b) is working.

(6) A certificate is valid during the period set out therein, Duration
which period shall not exceed twelve months.

(7) A driver claiming an exemption under a certificate issued under this section shall carry the certificate or a true copy thereof and produce the certificate or copy for inspection upon the demand of a police officer or an officer appointed for the purpose of carrying out the provisions of this Act. Certificate to be produced for inspection

19.—(1) Subsection 184 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 61, section 7, is amended by striking out “a motor vehicle, motorized snow vehicle or street car” in the fifth and sixth lines and inserting in lieu thereof “a motor vehicle or street car within the meaning of this Act or a motorized snow vehicle within the meaning of the *Motorized Snow Vehicles Act*”.

(2) Subsection 184 (2) of the said Act, as amended by the Statutes of Ontario, 1985, chapter 13, section 14, is repealed and the following substituted therefor:

(2) Where a person pleads guilty to or is found guilty of an offence under the *Criminal Code* (Canada) or the *Young Offenders Act* (Canada) referred to in subsection (1) and an order directing that the person be discharged is made under section 736 of the *Criminal Code* (Canada) or section 20 or sections 28 to 32 of the *Young Offenders Act* (Canada), the judge, provincial judge or justice of the peace who makes the order or the clerk of the court in which the order is made shall forthwith certify the order to the Registrar. Order for conditional discharge
R.S.C. 1985,
cc. C-46,
Y-1

(2a) An order certified under subsection (2) shall set out the name, address and description of the person discharged by the order, the number of the person's driver's licence, the number of the permit of the motor vehicle or the registration number of the motorized snow vehicle with which the offence was committed, the time the offence was committed and the provision of the *Criminal Code* (Canada) or the *Young Offenders Act* (Canada) contravened. Idem

20. Subsection 190a (1) of the said Act, as enacted by the Statutes of Ontario, 1989, chapter 54, section 41, is repealed and the following substituted therefor:

Cyclist to
identify self

(1) A police officer who finds any person contravening any provision under this Act or any municipal by-law regulating traffic while in charge of a bicycle may require that person to stop and to provide identification of himself or herself.

21.—(1) Subsection 192 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 16, is amended by striking out “237, 238 or 239” in the second line and inserting in lieu thereof “253, 254 or 255” and by striking out “236” in the fourth line and inserting in lieu thereof “252”.

(2) Subsection 192 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 16, is amended by striking out “236” in the second line and in the fourth line and inserting in lieu thereof in each instance “252”.

22. The said Act is further amended by adding thereto the following section:

Regulations
respecting
off-road
vehicles

194c.—(1) The Lieutenant Governor in Council may make regulations classifying off-road vehicles and drivers thereof and exempting any class of off-road vehicle or class of driver thereof from any requirement in Parts II, III and V of this Act or any regulation made thereunder and prescribing conditions for any such exemption.

Idem
1983, c. 53

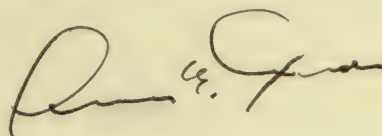
(2) In this section, “off-road vehicle” means an off-road vehicle within the meaning of the *Off-Road Vehicles Act*, 1983.

Commence-
ment

23. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

24. The short title of this Act is the *Highway Traffic Amendment Act, 1989*.




Bill 101

(Chapter 88
Statutes of Ontario, 1989)

An Act to repeal the Ministry of Transportation and Communications Creditors Payment Act

The Hon. W. Wrye
Minister of Transportation



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	February 11th, 1988
<i>2nd Reading</i>	December 14th, 1989
<i>3rd Reading</i>	December 19th, 1989
<i>Royal Assent</i>	December 19th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 101

1989

**An Act to repeal the Ministry of Transportation
and Communications Creditors Payment Act**

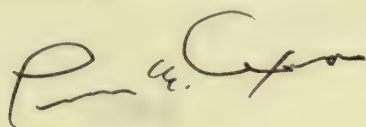
HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Ministry of Transportation and Communications Creditors Payment Act*, being chapter 290 of the Revised Statutes of Ontario, 1980, is repealed.

2.—(1) This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

(2) Notwithstanding section 1, the *Ministry of Transportation and Communications Creditors Payment Act* continues to apply in respect of labour, material or services supplied as a result of a contract, as defined in that Act, made before this Act comes into force. Continued
application

3. The short title of this Act is the *Ministry of Transportation and Communications Creditors Payment Repeal Act, 1989*. Short title

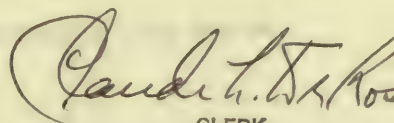


Bill 102

*(Chapter 89
Statutes of Ontario, 1989)*

An Act to amend the Construction Lien Act, 1983

The Hon. W. Wrye
Minister of Transportation



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	February 11th, 1988
<i>2nd Reading</i>	December 14th, 1989
<i>3rd Reading</i>	December 19th, 1989
<i>Royal Assent</i>	December 19th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 102**1989****An Act to amend the Construction Lien Act, 1983**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 (1) of the *Construction Lien Act, 1983*, being chapter 6, is repealed and the following substituted therefor:

(1) Subject to section 16 (where lien does not attach to the premises), this Act binds the Crown. Act binds Crown

2. The *Construction Lien Act, 1983* does not apply in respect of labour, material or services supplied as a result of a contract, as defined in the *Ministry of Transportation and Communications Creditors Payment Act*, being chapter 290 of the Revised Statutes of Ontario, 1980, made before this Act comes into force. Limited application

3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

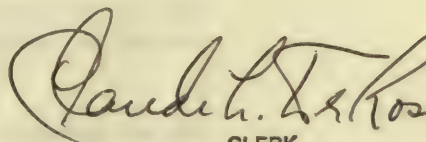
4. The short title of this Act is the *Construction Lien Amendment Act, 1989*. Short title

Bill 104

(Chapter 3
Statutes of Ontario, 1990)

An Act to amend the Mining Tax Act

The Hon. R. Mancini
Minister of Revenue



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	December 20th, 1989
<i>2nd Reading</i>	June 4th, 1990
<i>3rd Reading</i>	June 18th, 1990
<i>Royal Assent</i>	June 21st, 1990

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An Act to amend the Mining Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of the *Mining Tax Act*, being chapter 269 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1987, chapter 11, section 2, is repealed and the following substituted therefor:

2.—(1) The tax payable under this Act by an operator for a taxation year shall be deemed to accrue proportionately during the taxation year. When taxes accrue

(2) Every operator liable to pay tax under this Act for a taxation year shall pay the tax by monthly instalments during the taxation year with the balance of the tax, if any, payable not later than two months after the end of the taxation year. Payment of taxes

(3) The amount of each monthly instalment payable under this section for the taxation year is the lesser of, Amount of instalments

(a) the amount of tax payable by the operator for the taxation year divided by the number of months commencing in the taxation year; or

(b) the amount of tax payable by the operator for the taxation year ending immediately before the taxation year for which the instalment is being calculated, divided by the number of months commencing in that immediately preceding taxation year.

(4) If the taxation year of an operator is the first taxation year after an amalgamation within the meaning of section 87 of the *Income Tax Act* (Canada), the amount of each monthly instalment payable under this section for the taxation year is the lesser of, Instalments after amalgamation
R.S.C. 1952, c. 148

(a) the amount determined under clause (3) (a); or

R.S.C. 1952,
c. 148

- (b) the aggregate of all amounts each of which is the amount of tax payable by a predecessor corporation of the operator, within the meaning of section 87 of the *Income Tax Act* (Canada), for its last taxation year divided by the number of months commencing in the year.

Payment of
instalments

(5) Instalment payments under this section shall be paid to the Treasurer on or before the 25th day of each month commencing in the taxation year by remitting the payments to the Minister.

2.—(1) Subsection 8 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1987, chapter 11, section 8, is repealed and the following substituted therefor:

Interest on
unpaid tax

(2) An operator is liable to pay interest at the prescribed rate on the amount, if any, by which the amount of tax payable by the operator for a taxation year exceeds the amount paid on account of the tax payable, from the day that is two months after the end of the taxation year until the day the tax payable is fully paid.

Interest on
deficient
instalments

(2a) If an operator fails to pay a monthly instalment as required under section 2, interest at the prescribed rate is payable by the operator, in addition to any interest payable under subsection (2), on the difference between the amount of the monthly instalment required to be paid under section 2 and the amount, if any, of the monthly instalment paid by the operator, from the day the monthly instalment was required to be paid to the earlier of the day the instalment is fully paid or the day which is two months after the end of the taxation year.

Date of
payment

(2b) A payment made on account of tax payable under this Act shall be deemed to have been made on the day the payment is received by the Minister.

(2) Section 8 of the said Act, as re-enacted by the Statutes of Ontario, 1987, chapter 11, section 8, is amended by adding thereto the following subsections:

Refund of
overpaid
instalments

(6a) If the Minister is satisfied, after receiving written application from an operator for a refund under this subsection and before assessing tax payable by the operator for a taxation year, that the total amount of monthly instalments paid by the operator in respect of the taxation year exceeds the amount of tax that is or will be payable by the operator for the taxation year, the Minister may refund the excess amount to the operator before the end of the taxation year.

(6b) Interest at the prescribed rate is payable to the operator on the amount, if any, by which the total of the monthly instalments paid for a taxation year exceeds the total amount of monthly instalments required by section 2 to have been paid on or before that time by the operator in respect of the taxation year, from the day on which the excess payment arose until the earlier of,

Interest allowed on overpaid instalments

- (a) the day the excess is refunded, or applied under this section on other liability; or
- (b) the day that is two months after the end of the taxation year.

(6c) For the purposes of determining the amount of interest payable by or to an operator under subsection (2a) or (6b) with respect to the amount of a monthly instalment required to be paid by the operator for a taxation year, the amount of the monthly instalment required under section 2 shall be deemed to be the amount that would be determined under section 2 if the amounts of tax payable by the operator for the taxation year and for the immediately preceding taxation year were the amounts of tax for those taxation years as originally assessed by the Minister and for which notices of assessment were issued by the Minister, despite any subsequent assessment.

Idem

(6d) Subsection (6c) does not apply in determining the amount of interest payable by an operator under subsection (2a) with respect to the amount of a monthly instalment required under section 2 if,

Idem

- (a) the operator has failed to deliver the return required under subsection 7 (1) for the taxation year for which the instalment was payable; and
- (b) the amount of tax payable for the taxation year as originally assessed by the Minister is less than the amount of tax subsequently assessed for the taxation year.

3. Subsections 14 (1) and (2) of the said Act are repealed and the following substituted therefor:

(1) Every person employed directly or indirectly in the administration or enforcement of this Act or in the development and evaluation of tax policy for the Government of Ontario shall preserve secrecy with respect to all matters related to this Act that come to his or her knowledge in the

Confidentiality

course of such employment and shall not communicate any information or material related to any such matter to any other person not legally entitled thereto except,

- (a) as may be required in connection with the administration or enforcement of this Act or any other Act administered by the Minister or the regulations under any of them;
- (b) as may be required in connection with the development and evaluation of tax policy by the Government of Ontario or the Government of Canada;
- (c) to counsel for the person required by this section to preserve secrecy; or
- (d) with the consent of the person to whom the information or material relates.

Offence

(2) Every person who contravenes this section is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

4. Subsection 18 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1987, chapter 11, section 15, is repealed and the following substituted therefor:

Penalty for failure to deliver return

(2) Every operator who fails to deliver a return as and when required by section 7 shall pay, when assessed therefor, a penalty equal to the greater of,

- (a) \$50 for each day during which the operator fails to deliver the return; or
- (b) an amount equal to the lesser of \$1,000 or 10 per cent of the tax that was unpaid when the return was required to be delivered.

Application

5. The following provisions apply in respect of taxation years commencing after the 17th day of May, 1989:

- 1. Section 2 of the said Act, as re-enacted by section 1.
- 2. Subsection 8 (2) of the said Act, as re-enacted by subsection 2 (1).
- 3. Subsections 8 (2a) and (2b) of the said Act, as enacted by subsection 2 (1).

4. Subsections 8 (6a), (6b), (6c) and (6d) of the said Act, as enacted by subsection 2 (2).

6.—(1) This Act, except sections 1 and 2, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Sections 1 and 2 shall be deemed to have come into force on the 18th day of May, 1989. Idem

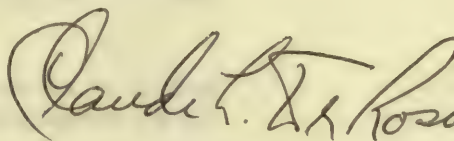
7. The short title of this Act is the *Mining Tax Amendment Act, 1990*. Short title

Bill 105

*(Chapter 9
Statutes of Ontario, 1990)*

An Act to amend certain Acts in relation to Ontario Home Ownership Savings Plans

The Hon. R. Mancini
Minister of Revenue



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	December 20th, 1989
<i>2nd Reading</i>	June 4th, 1990
<i>3rd Reading</i>	June 28th, 1990
<i>Royal Assent</i>	June 28th, 1990

Bill 105

1989

**An Act to amend certain Acts in relation to
Ontario Home Ownership Savings Plans**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The definition of “depository” in subsection 1 (1) of the *Ontario Home Ownership Savings Plan Act, 1988*, being chapter 35, is repealed and the following substituted therefor:

“depository” means either the Province of Ontario Savings Office or a financial institution that carries on business in Ontario and is a member of either the Canada Deposit Insurance Corporation or the Ontario Share and Deposit Insurance Corporation.

(2) The definition of “qualifying contribution” in subsection 1 (1) of the said Act is repealed and the following substituted therefor:

“qualifying contribution” means a contribution that is a qualifying contribution under section 3.

(3) Subsection 1 (2) of the said Act is amended by striking out “or” at the end of clause (g) and by adding thereto the following clause:

(ga) a partial ownership interest as a tenant in common of real property, if the ownership interest was acquired for the purpose of acquiring the right to inhabit a housing unit forming part of the real property; or

(4) Subsection 1 (3) of the said Act is amended by striking out “and” at the end of clause (d) and by adding thereto the following clause:

(da) in the case of an eligible home referred to in clause (2) (ga), the individual has acquired a freehold estate in the real property, other than as a mortgagee, and is entitled to vacant possession of the housing unit referred to in clause (2) (ga); and

.

(5) Section 1 of the said Act is amended by adding thereto the following subsections:

Gift or
inheritance

(4) A person who acquires an ownership interest in an eligible home by gift from the owner of the interest or by reason of the death of the owner of the interest shall be deemed to own the eligible home for the purposes of this Act on the earliest date on or after the date of the gift or the death on which the person resides in the eligible home, is entitled to possession of the eligible home or acquires the ownership interest in the eligible home.

Application
of subs. (4)

(5) Subsection (4) does not apply in respect of an ownership interest acquired under the terms of an agreement enforceable by or against the person legally or beneficially entitled to the interest immediately following the death of the owner of the interest.

(6) The said section 1 is further amended by adding thereto the following subsections:

Deemed
owner of
eligible home

(6) For the purposes of this Act, the Minister may deem an individual to have owned an eligible home at a particular time if ownership was at that time vested in a person under the terms of an express or implied trust by which the person held the property for the benefit of the individual, either alone or with one or more other persons, and the Minister is of the opinion that the individual exercised effective control, either alone or with one or more other persons, over the eligible home.

Ownership

(7) For the purposes of subsection (6), "ownership" means the ownership of the eligible home, the ownership of the land subjacent to the eligible home or a leasehold interest in the land subjacent to the eligible home.

2.—(1) Paragraph 2 of section 2 of the said Act is repealed and the following substituted therefor:

2. The terms of the plan require the depositary to withhold and remit to the Minister any amount required under section 9 on any payment of assets

of the plan to the planholder or to the legal personal representative of the planholder on the death of the planholder.

(2) Paragraphs 9 and 10 of the said section 2 are repealed and the following substituted therefor:

9. In the case of a plan entered into by a planholder and a depositary before the 1st day of January, 1989, no spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, has ever owned at any time an eligible home anywhere in the world.
- 9a. In the case of a plan entered into by the planholder and a depositary after the 31st day of December, 1988, no spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, has ever owned at any time during the marriage an eligible home anywhere in the world.
10. The terms of the plan prohibit any amendment to the terms of the plan,
 - i. that would result in the terms of the plan as amended failing to comply with this Act,
 - ii. that would permit or require any person to do anything contrary to this Act, or
 - iii. that would prevent or prohibit any person from doing anything required by this Act to be done.

3.—(1) Subsection 3 (3) of the said Act is repealed and the following substituted therefor:

(3) No contribution to an Ontario home ownership savings plan is a qualifying contribution for the purposes of this Act and the *Income Tax Act* if,

Idem

R.S.O. 1980,
c. 213

- (a) the planholder has received, or has been deemed by this Act to have received, any assets of the plan or the benefit or use of any of the assets of the plan during the year in which the contribution is made, except by way of a release of the assets of the plan

under section 5 for the purpose of the acquisition by the planholder of a qualifying eligible home;

- (b) the contribution is made at a time when the planholder or a spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, is the owner of an eligible home or is a partner in a partnership that owns property that would be an eligible home of the partner if the property was owned by the partner;
- (c) at any time before the contribution is made, the planholder owned an interest in an eligible home;
- (d) the spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, owns or owned at any time an eligible home unless,
 - (i) in the case of a contribution made to a plan before the 1st day of January, 1989, the contribution was made to the plan before the planholder married the spouse and either,
 - (A) the spouse owned no interest in an eligible home at the time of the marriage and the only interest in an eligible home the spouse may have acquired after the marriage was an interest in an eligible home in respect of which the assets of the planholder's plan were released under section 5, or
 - (B) the marriage occurred after the date on which the planholder acquired an interest in an eligible home in respect of which the assets of the planholder's plan were released under section 5, or
 - (ii) in the case of a contribution made to a plan after the 31st day of December, 1988, the spouse has not owned, at any time during marriage to the planholder, an interest in an eligible home, other than an interest in an eligible home acquired during the marriage in respect of which the assets of the planholder's plan were released under section 5; or

- (e) the planholder does not reside in Ontario at the end of the taxation year in which the contribution is made.

(2) Subsection 3 (4) of the said Act, as enacted by the Statutes of Ontario, 1988, chapter 73, section 10, is repealed.

4.—(1) Subsection 4 (1) of the said Act is repealed and the following substituted therefor:

(1) A depositary of an Ontario home ownership savings plan shall hold all assets of the plan only in qualified investments and, at the option of the planholder of the plan, shall hold part or all of such assets in qualified investments that are repayable on demand.

Duty to hold
in qualified
investments

(2) Clause 4 (2) (b) of the said Act is repealed and the following substituted therefor:

- (b) a deposit that is with a branch of the Province of Ontario Savings Office or that is insured by the Canada Deposit Insurance Corporation or the Ontario Share and Deposit Insurance Corporation;
or

5.—(1) Clause 5 (4) (a) of the said Act is repealed and the following substituted therefor:

- (a) the eligible home is located in Ontario and is suitable for use as a year-round dwelling place or, in the case of an eligible home that is in the form of a share or shares in the capital stock of a co-operative corporation or is described in clause 1 (2) (ga), the housing unit is located in Ontario and is suitable for use as a year-round dwelling place.

(2) Subsection 5 (4) of the said Act is amended by striking out “and” at the end of clause (b) and by adding the following clauses:

- (d) in the case of an eligible home described in clause 1 (2) (a), (b), (c), (f), (g) or (h), the eligible home has not been converted from rental property contrary to the *Rental Housing Protection Act, 1989* or the *Rental Housing Protection Act, 1986*; and
- (e) in the case of an eligible home described in clause 1 (2) (d) or (ga), if the co-operative corporation or

1989, c. 31
1986, c. 26

the real property is a co-operative as defined in the *Rental Housing Protection Act, 1989* or the *Rental Protection Act, 1986*, the co-operative corporation or the real property has not been converted from rental property contrary to either of those Acts.

(3) Subsection 5 (5) of the said Act is repealed and the following substituted therefor:

Minister's
discretion to
release

(5) Where the assets of the plan have not been released under subsection (1), the Minister may, in the circumstances described in subsection (5a),

- (a) consent to the release of the assets of the plan by the depositary to the planholder;
- (b) direct that on the release of the assets of the plan, no amount, or an amount not in excess of the amount that would otherwise be deducted, withheld and remitted to the Minister by the depositary of the plan under subsection 9 (2) shall be remitted to the Minister; and
- (c) impose such conditions on the release as the Minister in his or her discretion, considers necessary to ensure compliance with this Act and the regulations.

When
Minister's
discretion
may be
exercised

(5a) The Minister may exercise his or her discretion under subsection (5) if the Minister is satisfied that,

- (a) the planholder has purchased property that is or that will become a qualifying eligible home under subsection (4);
- (b) the planholder has entered into an agreement to purchase a proposed condominium unit that will become a qualifying eligible home and is required under the agreement to take possession of or occupy the proposed condominium unit before a deed or transfer of the unit acceptable for registration is delivered to the planholder;
- (c) the planholder has entered into an agreement to purchase an eligible home, the construction of which has not yet been completed, and the Minister is satisfied that the planholder is required under the terms of the agreement to make interim payments to the builder or developer of the eligible home before completion of the purchase thereof;

- (d) the planholder or the spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, has acquired, after the planholder has entered into an Ontario home ownership savings plan, an ownership interest in an eligible home by gift from the owner of the interest or by reason of the death of the owner of the interest; or
- (e) the planholder, after having entered into an Ontario home ownership savings plan, has married a person who had an ownership interest in an eligible home at the time of the marriage.

(4) Subsection 5 (6) of the said Act is amended by striking out "clause (5) (c)" in the second line and inserting in lieu thereof "subsection (5)".

(5) Section 5 of the said Act is amended by adding thereto the following subsection:

(8) Where the assets of an Ontario home ownership savings plan have been released under subsection (5) to a planholder referred to in clause (5a)(c) or to a planholder who owns property that will contain a qualifying eligible property following completion of construction thereon of an eligible home, the following rules apply:

Eligible
home under
construction

1. The planholder shall be deemed to have acquired ownership of the eligible home on the date the assets of the plan were released, whether or not construction of the eligible home was completed.
2. If construction of the eligible home has been delayed and, as a result, the planholder has failed to acquire a qualifying eligible home within a time limit imposed by this Act, the planholder shall not be considered, for the purposes of subsection 12 (1), to have used the assets of the plan for a purpose other than the purchase of a qualifying eligible home, if the Minister is satisfied that,
 - i. any failure to inhabit the eligible home for at least thirty days within two years of the date the assets of the plan were released was due to the delay in the construction of the eligible home,

R.S.C. 1952,
c. 148

ii. the delay in the construction was for a prescribed reason that was beyond the control of the planholder and of anyone not dealing at arm's length with the planholder within the meaning of section 251 of the *Income Tax Act* (Canada), and

iii. the planholder has acquired, within four years of the date the assets of the plan were released, an eligible home that is a qualifying eligible home within the meaning of subsection (4).

6.—(1) Section 9 of the said Act is amended by adding thereto the following subsection:

Exception

R.S.O. 1980,
c. 213

(1a) No amount is payable under subsection (1) with respect to tax credits allowed to the planholder or to his or her spouse or former spouse under the *Income Tax Act* in respect of qualifying contributions made by the planholder to his or her Ontario home ownership savings plan if the planholder has otherwise complied with this Act and the regulations but is terminating his or her plan for the reason that,

- (a) the planholder or the spouse of the planholder with whom the planholder resides, or from whom the planholder lives separate and apart for reasons other than marriage breakdown, has acquired, after the planholder entered into the plan, an ownership interest in an eligible home by gift from the owner of the interest or by reason of the death of the owner of the interest; or
- (b) the planholder, after having entered into an Ontario home ownership savings plan, has married a person who had an ownership interest in an eligible home at the time of the marriage.

(2) Clause 9 (2) (b) of the said Act is amended by inserting after "be" in the tenth line "unless the depositary is in receipt of written authorization from the Ministry of Revenue advising the depositary that it is relieved of its obligation under this subsection to deduct, withhold and remit the amount".

7.—(1) Clause 10 (1) (b) of the said Act is amended by striking out "clause 3 (3) (a), (b) or (d)" in the third line and inserting in lieu thereof "subsection 3 (3)".

(2) Subsection 10 (1) of the said Act is amended by adding "or" at the end of clause (c) and by repealing clause (d).

8. Subsection 12 (1) of the said Act is repealed and the following substituted therefor:

(1) The Minister may serve on the former planholder of an Ontario home ownership savings plan, by ordinary mail to his or her last address known to the Minister or by personal service, a notice of determination of tax credit recovery and interest, together with written reasons therefor, after the assets of the plan have been released by the depositary, if the Minister is of the opinion that,

Tax credit
recovery
after release
of assets of
plan

- (a) the Ontario home ownership savings plan failed to comply with the requirements of section 2;
- (b) a contribution made to the Ontario home ownership savings plan was not a qualifying contribution by reason of subsection 3 (3);
- (c) the planholder owned an interest in an eligible home at any time before the date of release of the assets of the plan, other than an eligible home in respect of which the assets of the plan were released under section 5; or
- (d) the assets of the plan, after release by the depositary (other than in the circumstances described in clause 5 (5a) (d) or (e)), were used for a purpose other than the acquisition of an eligible home that became a qualifying eligible home under subsection 5 (4).

9. Section 18 of the said Act is amended by striking out the first three lines and inserting in lieu thereof "Proceedings to enforce any provision of this Act or the regulations with respect to a home ownership savings plan may be commenced and any information in respect of any offence under this Act or the regulations with respect to a home ownership savings plan may be laid not later than six years after".

COMPLEMENTARY AMENDMENT

10. Section 50 of the *Succession Law Reform Act*, being chapter 488 of the Revised Statutes of Ontario, 1980, is amended by inserting after "(Canada)" in the last line "and an Ontario home ownership savings plan under the *Ontario Home Ownership Savings Plan Act, 1988*".

11. Subsection 5 (5) of the said Act, as re-enacted by subsection 5 (3) of this Act, subsection 5 (5a) of the said Act, as enacted by subsection 5 (3) of this Act, and subsection 5 (8) of

Application

the said Act, as enacted by subsection 5 (5) of this Act, apply in respect of consents given by the Minister after the 17th day of May, 1989.

Commence-
ment

12.—(1) This Act, except as provided in subsections (2), (3) and (4), comes into force on the day it receives Royal Assent.

Idem

(2) Subsections 1 (1), (2), (3), (4) and (5), sections 2 and 3, subsections 5 (1), (2) and 6 (1) and sections 7, 8 and 9 shall be deemed to have come into force on the 8th day of June, 1988.

Idem

(3) Section 10 shall be deemed to have come into force on the 1st day of September, 1988.

Idem

(4) Section 4 and subsections 5 (3), (4) and (5) shall be deemed to have come into force on the 18th day of May, 1989.

Short title

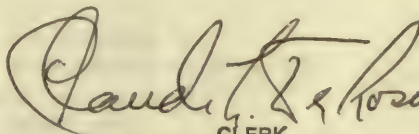
13. The short title of this Act is the *Ontario Home Ownership Savings Plan Amendment Act, 1990*.

Bill 106

(Chapter 4
Statutes of Ontario, 1990)

An Act to amend certain Acts with respect to Easements and other matters

The Hon. G. Sorbara
Minister of Consumer and Commercial Relations


CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	December 20th, 1989
<i>2nd Reading</i>	June 4th, 1990
<i>3rd Reading</i>	June 18th, 1990
<i>Royal Assent</i>	June 21st, 1990

Bill 106

1989

**An Act to amend certain Acts
with respect to Easements and other matters**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 106 (7) of the *Registry Act*, being chapter 445 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1981, chapter 17, section 4, is amended by adding at the end thereof “other than as a result of subsection (1)”.

(2) The said Act is amended by adding thereto the following section:

106a.—(1) In this section,

Definitions

“Ministry of Government Services” means Her Majesty the Queen in right of Ontario as represented by the Minister of Government Services;

“municipality” means a municipality within the meaning of the *Municipal Act* and includes a regional, metropolitan or district municipality, the County of Oxford and a local board within the meaning of the *Municipal Affairs Act*;

R.S.O. 1980.
cc. 302, 303

“public utility easement” means an easement in respect of a water works or water supply system, sewage works, steam or hot water distribution system, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, or a transportation system.

(2) Despite sections 105 and 106, a public utility easement of a municipality or an easement of the Ministry of Government Services that existed on the 31st day of July, 1981 continues until the 31st day of December, 1999.

Continuation
of public
utility
easements

Eligibility for
compensation

(3) If, except for subsection (2), an easement would not affect land, a person who has an interest in the land acquired on or after the 1st day of August, 1981 and before the day this section comes into force is entitled to compensation for the easement.

Idem

(4) Subsection (3) does not apply to a person if the easement is specifically referred to in,

- (a) the instrument by which the person acquired the interest; or
- (b) a registered instrument executed by the person before the day this section comes into force.

Time of
calculation

(5) Compensation shall be calculated as though the easement had been expropriated on the earlier of,

- (a) the day the person who has an interest in the land gives the municipality or the Ministry of Government Services notice that he or she claims compensation under this section; or
- (b) the day the municipality or the Ministry of Government Services gives the person who has an interest in the land notice of its easement.

Calculation
of compen-
sation

R.S.O. 1980,
c. 148

(6) The *Expropriations Act* applies with necessary modifications to claims for compensation.

Abandonment
of easement

(7) A municipality or the Ministry of Government Services is relieved from paying compensation for an easement if it,

- (a) removes anything placed under the authority of the easement;
- (b) restores the land to the condition it was in immediately before any removal; and
- (c) abandons the easement.

Notices of
claim

(8) A notice of claim in respect of a public utility easement of a municipality or an easement of the Ministry of Government Services registered before the 31st day of December, 1999 is as effective as if it had been registered on the 31st day of July, 1981.

2. The *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

195a.—(1) In this section,

Definitions

“municipal public utility” means a public utility owned and operated by a municipality;

“municipal public utility easement” means an easement of a municipality in respect of a municipal public utility;

“municipality” includes a regional, metropolitan or district municipality, the County of Oxford and a local board within the meaning of the *Municipal Affairs Act*;

R.S.O. 1980,
c. 303

“public utility” means a water works or water supply system, sewage works, steam or hot water distribution system, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, or a transportation system.

(2) A municipal public utility easement does not have to be appurtenant or annexed to or for the benefit of any specific parcel of land to be valid.

Dominant
tenement

(3) Part III of the *Registry Act* does not apply to a claim of a person in respect of a part of a municipal public utility constructed on land before this section comes into force with the consent or acquiescence of the owner of the land.

R.S.O. 1980,
c. 445,
Part III
not to apply

(4) No person shall interfere with a part of a municipal public utility for which there is no municipal public utility easement unless,

Interference
with utilities

(a) the municipality consents; or

(b) the interference is authorized by a court order under this section.

(5) The District Court may make an order authorizing interference with a part of a municipal public utility on the application of a person who has an interest in the land where the part is located if the use of the land by the person is substantially affected.

Court orders
with respect
to utilities

(6) A person making an application for an order under subsection (5) in respect of a part of a municipal public utility shall give the municipality ninety days notice of the application or such other notice as the court may direct.

Notice

Other orders

(7) In making an order under subsection (5), the court may make such other orders as it considers necessary including an order that the applicant provide an easement for the alternative location of the public utility for such compensation as the court may determine.

Stay of orders

(8) The court shall stay an order under subsection (5) at the request of the municipality for such time as the court determines to allow the municipality to acquire an interest in land to accommodate the part of its public utility that is subject to the order.

Right to repair utilities

(9) Subject to any court order under this section, a municipality may enter upon any land to repair and maintain its public utilities.

Utilities located by mistake

(10) If, before this section comes into force, a municipality located a part of a municipal public utility where it had no right to do so in the mistaken belief that the part was being located on a municipal road allowance, the municipality that owns and operates the utility shall be deemed to have an easement in respect of the utility and the owner of the land on which the part is located shall be entitled to compensation for the easement determined in accordance with the *Expropriations Act*.

R.S.O. 1980,
c. 148

Offence

(11) Every person who knowingly contravenes subsection (4) is guilty of an offence.

3. The *Ministry of Government Services Act*, being chapter 279 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

Definitions

9a.—(1) In this section,

“government public utility” means a public utility owned and operated by Her Majesty the Queen in right of Ontario as represented by the Minister;

“government public utility easement” means an easement of Her Majesty the Queen in right of Ontario as represented by the Minister in respect of a government public utility;

“public utility” means a water works or water supply system, sewage works, steam or hot water distribution system, electrical power or energy generating, transmission or distribution system, street lighting system, natural or artificial gas works or supply system, or a transportation system.

(2) Part III of the *Registry Act* does not apply to a claim of a person in respect of a part of a government public utility constructed on land before this section comes into force with the consent or acquiescence of the owner of the land.

R.S.O. 1980,
c. 44S.
Part III
not to apply

(3) No person shall interfere with a part of a government public utility for which there is no government public utility easement unless,

Interference
with utilities

(a) the Minister consents; or

(b) the interference is authorized by a court order under this section.

(4) The District Court may make an order authorizing interference with a part of a government public utility on the application of a person who has an interest in the land where the part is located if the use of the land by the person is substantially affected.

Court orders
with respect
to utilities

(5) A person making an application for an order under subsection (4) in respect of a part of a government public utility shall give the Minister ninety days notice of the application or such other notice as the court may direct.

Notice

(6) In making an order under subsection (4), the court may make such other orders as it considers necessary including an order that the applicant provide an easement for the alternative location of the public utility for such compensation as the court may determine.

Other orders

(7) The court shall stay an order under subsection (4) at the request of the Minister for such time as the court determines to allow the Government to acquire an interest in land to accommodate the part of the public utility that is subject to the order.

Stay of
orders

(8) Subject to any court order under this section, the Minister may enter upon any land to repair and maintain a government public utility.

Right to
repair
utilities

(9) If, before this section comes into force, the Government located a part of a government public utility where it had no right to do so in the mistaken belief that the part was being located on a municipal road allowance, Her Majesty the Queen in right of Ontario as represented by the Minister shall be deemed to have an easement in respect of the utility and the owner of the land on which the part is located shall be

Utilities
located by
mistake

entitled to compensation for the easement determined in accordance with the *Expropriations Act*.

R.S.O. 1980,
c. 148

Offence

(10) Every person who knowingly contravenes subsection (3) is guilty of an offence.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Easement Statute Law Amendment Act, 1990*.

Bill 107

*(Chapter 10
Statutes of Ontario, 1990)*

An Act to revise the Police Act and amend the law relating to Police Services

The Hon. S. Offer
Solicitor General



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	December 20th, 1989
<i>2nd Reading</i>	May 17th, 1990
<i>3rd Reading</i>	June 28th, 1990
<i>Royal Assent</i>	June 28th, 1990

Bill 107

1989

An Act to revise the Police Act and amend the law relating to Police Services

CONTENTS

Section	Section
1. Declaration of principles	22. Powers and duties
2. Definitions	23. Sanctions respecting standards of police services and employment equity plans
PART I	24. Emergency, interim order
RESPONSIBILITY FOR POLICE SERVICES	25. Investigations into police matters
SOLICITOR GENERAL	26. Inquiries respecting crime and law enforcement
3. Solicitor General	PART III
MUNICIPALITIES	MUNICIPAL POLICE SERVICES BOARDS
4. Police services in municipalities	27. Composition of boards
5. Methods of establishing municipal police forces	28. Chair
6. Amalgamation of police forces	29. Protection from personal liability
7. Municipal agreements for sharing police services	30. Board may contract, sue and be sued
8. Additional municipal police forces	31. Responsibilities of boards
9. Assistance of O.P.P.	32. Oath of office
10. Municipal agreements for provision of police services by O.P.P.	33. Joint boards
11. Fines	34. Delegation
12. Rates for cost of police services	35. Meetings
13. Special areas	36. Admissibility of documents
14. Police services outside municipality	37. Power with respect to witnesses
15. Municipal by-law enforcement officers	38. Municipal police force
16. Aid to survivors	39. Estimates
ONTARIO PROVINCIAL POLICE	40. Reduction or abolition of police force
17. Commissioner	PART IV
18. Composition of O.P.P.	POLICE OFFICERS AND OTHER POLICE STAFF
19. Responsibilities of O.P.P.	CHIEF OF POLICE
20. Aid to survivors	41. Duties of chief of police
PART II	POLICE OFFICERS
ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES	42. Powers and duties
21. Commission	43. Criteria for hiring
	44. Probationary period

Section

- 45. Oaths of office and secrecy
- 46. Political activity

MEMBERS OF POLICE FORCES

- 47. Disabled members of police forces
- 48. Employment equity plans
- 49. Secondary activities
- 50. Indemnification for legal costs
- 51. Police cadets
- 52. Auxiliary members of police force

SPECIAL CONSTABLES

- 53. Special constables

FIRST NATIONS CONSTABLES

- 54. First Nations Constables

EMERGENCIES

- 55. Emergencies

PART V

DISCIPLINARY PROCEEDINGS

- 56. Misconduct
- 57. Inducing misconduct, withholding services
- 58. Chief to investigate misconduct
- 59. Procedure if no hearing held
- 60. Hearing
- 61. Penalties
- 62. Misconduct by municipal chief of police
- 63. Appeal: municipal police officer
- 64. Hearing by Commission instead of board
- 65. Appeal: O.P.P.
- 66. Exception in case of public complaint
- 67. Appeals to Commission
- 68. Extension of time for appeals
- 69. Delegation
- 70. Notice
- 71. Suspension
- 72. Other employment during period of suspension

PART VI

PUBLIC COMPLAINTS

- 73. Definitions
- 74. Attorney General
- 75. Application of Part
- 76. Bureau

INITIAL HANDLING OF COMPLAINT

- 77. Complaint by member of public
- 78. Complaint by Commissioner
- 79. Notice to police officer
- 80. Notice to potential complainant

Section

- 81. Classification of complaint
- 82. Reclassification

INFORMAL RESOLUTION, WITHDRAWAL

- 83. Informal resolution
- 84. Withdrawal

POWERS OF CHIEF OF POLICE

- 85. Decision re no further action
- 86. Disciplinary proceeding

INVESTIGATION OF COMPLAINT

- 87. Investigation by bureau
- 88. Investigation by Commissioner
- 89. Investigation of complaint made by Commissioner

DECISION BY CHIEF OF POLICE

- 90. Review of final report, decision

REVIEW BY COMMISSIONER

- 91. Review by Commissioner

HEARING BY BOARD OF INQUIRY

- 92. Police officer's appeal
- 93. Constitution of board of inquiry
- 94. New hearing, exception
- 95. Parties
- 96. Hearing
- 97. Penalties
- 98. Appeal to Divisional Court

POLICE COMPLAINTS COMMISSIONER

- 99. Appointment of Commissioner
- 100. Powers of Commissioner
- 101. Recommendations
- 102. Judicial review of Commissioner's decisions

BOARDS OF INQUIRY

- 103. Appointments to panel

GENERAL MATTERS

- 104. Police officer's employment record
- 105. Resignation after hearing ordered
- 106. Notice
- 107. Delegation
- 108. Confidentiality
- 109. Non-application of *Ombudsman Act*
- 110. Agreement for contributions
- 111. Offence
- 112. Transition, complaints under former Act

Section

PART VII

SPECIAL INVESTIGATIONS

113. Special investigations unit

PART VIII

LABOUR RELATIONS

114. Definitions

115. Exclusions

116. Hearing re person's status

117. Trade union membership prohibited, exception

118. Categories

119. Bargaining

120. Bargaining sessions

121. Conciliation

122. Arbitration

123. Dispute, appointment of conciliation officer

124. Arbitration after conciliation fails

125. Extension of time

126. Restriction

127. Non-application of *Arbitrations Act*

128. Agreements, decisions and awards binding

129. Duration of agreements, decisions and awards

130. Provision for expenditures

131. Arbitration Commission

Section

PART IX

REGULATIONS AND MISCELLANEOUS

132. Property in possession of police force

133. Money

134. Firearms

135. Regulations

136. Crown bound

PART X

CONSEQUENTIAL AMENDMENTS AND REPEALS

137. District Municipality of Muskoka

138. Municipality of Metropolitan Toronto

139. Regional Municipality of Durham

140. Regional Municipality of Haldimand-Norfolk

141. Regional Municipality of Halton

142. Regional Municipality of Hamilton-Wentworth

143. Regional Municipality of Niagara

144. Regional Municipality of Peel

145. Regional Municipality of Sudbury

146. Regional Municipality of Waterloo

147. Regional Municipality of York

148. Repeals

149. Commencement

150. Short title

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Police services shall be provided throughout Ontario in accordance with the following principles:

Declaration
of principles

1. The need to ensure the safety and security of all persons and property in Ontario.

2. The importance of safeguarding the fundamental rights guaranteed by the *Canadian Charter of Rights and Freedoms* and the *Human Rights Code, 1981*.

1981, c. 53

3. The need for co-operation between the providers of police services and the communities they serve.

4. The importance of respect for victims of crime and understanding of their needs.
5. The need for sensitivity to the pluralistic, multi-racial and multicultural character of Ontario society.
6. The need to ensure that police forces are representative of the communities they serve.

Definitions

2. In this Act,

“association” means an association whose members belong to one police force and whose objects include the improvement of their working conditions and remuneration;

“board” means, except in Part VI, a municipal police services board;

“chief of police” means a municipal chief of police or the Commissioner of the Ontario Provincial Police and includes an acting chief of police;

“Commission” means the Ontario Civilian Commission on Police Services;

“Commissioner” means, except in Part VI, the Commissioner of the Ontario Provincial Police;

“member of a police force” means a police officer, and in the case of a municipal police force includes an employee who is not a police officer;

“municipality” includes district, metropolitan and regional municipalities and the County of Oxford;

“police force” means the Ontario Provincial Police or a municipal police force;

“police officer” means a chief of police or any other police officer, but does not include a special constable, a First Nations Constable, a by-law enforcement officer or an auxiliary member of a police force;

“prescribed” means prescribed by the regulations;

“regulations” means the regulations made under this Act.

PART I

RESPONSIBILITY FOR POLICE SERVICES

SOLICITOR GENERAL

3.—(1) This Act, except Part VI, shall be administered by the Solicitor General.

Adminis-
tration of
Act

(2) The Solicitor General shall,

Duties and
powers of
Solicitor
General

- (a) monitor police forces to ensure that adequate and effective police services are provided at the municipal and provincial levels;
- (b) monitor boards and police forces to ensure that they comply with prescribed standards of service;
- (c) monitor the establishment and implementation of employment equity plans;
- (d) develop and promote programs to enhance professional police practices, standards and training;
- (e) conduct a system of inspection and review of police forces across Ontario;
- (f) assist in the co-ordination of police services;
- (g) consult with and advise boards, municipal chiefs of police, employers of special constables and associations on matters relating to police and police services;
- (h) develop, maintain and manage programs and statistical records and conduct research studies in respect of police services and related matters;
- (i) provide to boards and municipal chiefs of police information and advice respecting the management and operation of police forces, techniques in handling special problems and other information calculated to assist;
- (j) issue directives and guidelines respecting policy matters;
- (k) develop and promote programs for community-oriented police services;

(l) operate the Ontario Police College.

Ontario
Police
College
continued

(3) The police college known as the Ontario Police College for the training of members of police forces is continued.

MUNICIPALITIES

Police
services in
municipalities

4.—(1) Every municipality to which this subsection applies shall provide adequate and effective police services in accordance with its needs.

Application
of subsection
(1)

(2) Subsection (1) applies to,

(a) cities, towns, villages and townships (other than area municipalities within regional or metropolitan municipalities); and

(b) regional and metropolitan municipalities.

Exception,
Muskoka

(3) Subsection (1) does not apply to The District Municipality of Muskoka or to its area municipalities.

Exception,
Ottawa-
Carleton

(4) Subsection (1) does not apply to The Regional Municipality of Ottawa-Carleton but does apply to its area municipalities.

Exception,
Oxford
County

(5) Subsection (1) does not apply to the County of Oxford but does apply to its area municipalities.

Exemption of
towns of less
than 5,000

(6) The Lieutenant Governor in Council may, on the Solicitor General's recommendation, exempt any town having a population of less than 5,000 according to the last enumeration taken under section 14 of the *Assessment Act* from the application of subsection (1), and the exemption continues in effect until it is revoked.

R.S.O. 1980,
c. 31

Restriction,
villages and
townships

(7) Subsection (1) applies to a village or township only if it has been so designated by the Lieutenant Governor in Council on the Solicitor General's recommendation; the designation may relate to all or part of the village or township.

Methods of
establishing
municipal
police forces

5. A municipality's responsibility for providing police services shall be discharged in one of the following ways:

1. The board may appoint the members of a police force under clause 31 (1) (a), in which case the municipal council shall pay the cost of the police force.

2. The board may enter into an agreement under section 7 (sharing police services).
3. The council may enter into an agreement under section 10 (agreements for provision of police services by O.P.P.).
4. With the Commission's approval, the municipality may adopt a different method of providing police services.

6.—(1) Despite any other Act, two or more municipalities that have police forces may enter into an agreement to amalgamate them.

Amalgamation of police forces

(2) The agreement shall deal with,

Contents of amalgamation agreement

- (a) the establishment and composition of a board for the amalgamated police forces;
- (b) the amalgamation of the police forces and the appointment or transfer of their members;
- (c) the amalgamated board's use of the assets and its responsibility for the liabilities associated with the police forces;
- (d) the budgeting of the cost for the operation of the amalgamated police force;
- (e) any other matter that is necessary or advisable to effect the amalgamation.

(3) The agreement does not take effect until the Commission has approved the organization of the amalgamated police force.

Commission's approval

(4) Appointments to a board for amalgamated police forces may be made before the agreement takes effect.

Exception. board appointments

7. Two boards may agree that one board will provide police services to the other, on the conditions set out in the agreement.

Municipal agreements for sharing police services

8.—(1) A municipality to which subsection 4 (1) (obligation to provide police services) does not apply may, with the Commission's approval, establish and maintain a police force.

Additional municipal police forces

(2) An approval given or deemed to have been given under section 19 of the *Police Act* in respect of a police force that

Transition
R.S.O. 1980,
c. 381

was being maintained on the day before this Act comes into force shall be deemed to have been given under this section.

Revocation

(3) The Commission may revoke an approval given or deemed to have been given under this section.

Failure to
provide
police
services

9.—(1) If the Commission finds that a municipality to which subsection 4 (1) applies is not providing police services, it may request that the Commissioner have the Ontario Provincial Police give assistance.

Inadequate
police
services

(2) If the Commission finds that a municipal police force is not providing adequate and effective police services or is not complying with this Act or the regulations, it may communicate that finding to the board of the municipality and direct the board to take the measures that the Commission considers necessary.

Idem

(3) If the board does not comply with the direction, the Commission may request that the Commissioner have the Ontario Provincial Police give assistance.

Crown
Attorney's
request

(4) In any area for which a municipality is required to provide police services, the Crown Attorney may request that the Commissioner have the Ontario Provincial Police give assistance.

Board's
request

(5) A board may, by resolution, request that the Commissioner have the Ontario Provincial Police give assistance.

Request of
chief of
police in
emergency

(6) A municipal chief of police who is of the opinion that an emergency exists in the municipality may request that the Commissioner have the Ontario Provincial Police give assistance.

Chief of
police to
advise board

(7) A chief of police who makes a request under subsection (6) shall advise the chair of the board of the fact as soon as possible.

Assistance of
O.P.P.

(8) When a request is made under this section, the Commissioner shall have the Ontario Provincial Police give such assistance as he or she considers necessary.

Cost of
services

(9) The Commissioner shall certify the cost of the services provided under this section by the Ontario Provincial Police and, unless the Solicitor General directs otherwise, the municipality shall pay that amount to the Treasurer of Ontario.

Idem

(10) The amount may be deducted from any grant payable to the municipality out of provincial funds or may be

recovered by a court action, with costs, as a debt due to Her Majesty.

10.—(1) The Solicitor General may enter into an agreement with the council of a municipality for the provision of police services for the municipality by the Ontario Provincial Police.

Municipal agreements for provision of police services by O.P.P.

(2) The agreement requires the board's consent.

Board's consent

(3) No agreement shall be entered into under this section if, in the Solicitor General's opinion, the council seeks the agreement for the purpose of defeating the collective bargaining provisions of this Act.

Collective bargaining

(4) When the agreement comes into effect, the members of the Ontario Provincial Police assigned to the municipality shall provide police services, including by-law enforcement, for the municipality, and shall perform any other duties that are specified in the agreement.

Duties of O.P.P.

(5) The amounts received from the municipality under the agreement shall be paid into the Consolidated Revenue Fund.

Payment into Consolidated Revenue Fund

(6) If the municipality has an agreement under this section, section 31 (responsibilities of board), section 38 (municipal police force) and clause 39 (3) (a) (estimates respecting police force) do not apply; however, the board shall advise the Solicitor General and the senior officer of the Ontario Provincial Police in the municipality with respect to police services in the municipality, and may generally determine priorities in the municipality with respect to police services, in accordance with the agreement and with provincial policies affecting the Ontario Provincial Police.

Role of board

11.—(1) This section applies if a municipality is entitled to receive fines paid as a result of prosecutions instituted by police officers of the municipal police force.

Fines

(2) If the municipality does not have its own police force because of an agreement under section 7 or 10, the police officers who are assigned to the municipality under the agreement shall, for the purposes of determining entitlement to fines, be deemed to be police officers of the municipal police force.

Idem

12.—(1) With the Commission's approval, the costs incurred by a municipality in providing police services may be paid by levying different rates for different areas defined by the municipal council or by levying rates in some but not all areas.

Rates for cost of police services

Exemption
for farm
lands and
buildings

(2) With the Commission's approval, the municipal council may grant a total or partial exemption from a rate or rates levied under subsection (1) to lands and buildings used exclusively for farming purposes.

Special areas

13.—(1) If, because of the establishment of a business or for any other reason, special circumstances or abnormal conditions in an area make it inequitable, in the Solicitor General's opinion, to impose the responsibility for police services on a municipality or on the Province, the Lieutenant Governor in Council may designate the area as a special area.

Agreement
for provision
of police
services by
O.P.P.

(2) The person who operates the business or owns the special area shall enter into an agreement with the Solicitor General for the provision of police services by the Ontario Provincial Police for the special area.

Duties of
O.P.P.,
payment

(3) Subsections 10 (4) and (5) apply to the agreement with necessary modifications.

Failure to
enter into
agreement

(4) If the person who operates the business or owns the special area does not enter into an agreement as subsection (2) requires, the Ontario Provincial Police shall provide police services for the area.

Cost of
services

(5) The costs of the services may be recovered from the person by a court action, with costs, as a debt due to Her Majesty.

Police
services
outside
municipality

14. A municipality that has an interest in land outside the territory of the municipality may agree to pay all or part of the cost of providing police services for the land.

Municipal by-
law
enforcement
officers

15.—(1) A municipal council may appoint persons to enforce the by-laws of the municipality.

Peace officers

(2) Municipal by-law enforcement officers are peace officers for the purpose of enforcing municipal by-laws.

Aid to
survivors

16. A municipal council may grant financial or other assistance for the benefit of the surviving spouses and children of members of the municipal police force who die from injuries received or illnesses contracted in the discharge of their duties.

ONTARIO PROVINCIAL POLICE

Commis-
sioner

17.—(1) There shall be a Commissioner of the Ontario Provincial Police who shall be appointed by the Lieutenant Governor in Council.

(2) Subject to the Solicitor General's direction, the Commissioner has the general control and administration of the Ontario Provincial Police and the employees connected with it. Functions

(3) The Commissioner shall prepare and implement an employment equity plan in accordance with section 48 and the regulations. Employment equity plans

(4) After the end of each calendar year, the Commissioner shall file with the Solicitor General an annual report on the affairs of the Ontario Provincial Police. Annual report

18.—(1) The Ontario Provincial Police shall consist of the Commissioner and other police officers appointed under the *Public Service Act*. Composition of O.P.P.
R.S.O. 1980, c. 418

(2) The Commissioner shall establish the ranks within the Ontario Provincial Police and shall determine the rank of each police officer. Ranks

(3) The Lieutenant Governor in Council may name police officers of the Ontario Provincial Police to the rank of commissioned officers and may authorize the issue of commissions to them under the Great Seal. Commissioned officers

(4) The Commissioner may appoint such other employees as are required in connection with the Ontario Provincial Police. Employees

19.—(1) The Ontario Provincial Police have the following responsibilities: Responsibilities of O.P.P.

1. Providing police services in respect of the parts of Ontario that do not have municipal police forces other than by-law enforcement officers.
2. Providing police services in respect of all navigable bodies and courses of water in Ontario, except those that lie within municipalities designated by the Solicitor General.
3. Maintaining a traffic patrol on the King's Highway, except the parts designated by the Solicitor General.
4. Maintaining a traffic patrol on the connecting links within the meaning of section 21 of the *Public Transportation and Highway Improvement Act* that are designated by the Solicitor General.

R.S.O. 1980, c. 421

5. Maintaining investigative services to assist municipal police forces on the Solicitor General's direction or at the Crown Attorney's request.

Municipal by-laws

- (2) The Ontario Provincial Police have no responsibilities in connection with municipal by-laws, except under agreements made in accordance with section 10.

Aid to survivors

- 20.** The Lieutenant Governor in Council may, out of money appropriated for that purpose by the Legislature, grant financial or other assistance for the benefit of the surviving spouses and children of members of the Ontario Provincial Police who die from injuries received or illnesses contracted in the discharge of their duties.

PART II

ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES

Commission continued

- 21.—(1)** The commission known as the Ontario Police Commission is continued under the name of "Ontario Civilian Commission on Police Services".

Composition

- (2) The Commission shall consist of not fewer than three and not more than nine members who shall be appointed by the Lieutenant Governor in Council.

Chair

- (3) The Lieutenant Governor in Council may designate one of the members of the Commission to be the chair.

Delegation

- (4) The chair may authorize a member of the Commission to exercise the Commission's powers and perform its duties with respect to a particular matter, but the authority conferred on the Commission by sections 23 and 24 may not be delegated.

Quorum

- (5) Two members of the Commission constitute a quorum.

Proceedings open to the public

- (6) Meetings, hearings, investigations and inquiries conducted by the Commission shall be open to the public, subject to subsection (7), and notice of them shall be published in the manner that the Commission determines.

Exception

- (7) The Commission may exclude the public from all or part of a meeting, hearing, investigation or inquiry if it is of the opinion that,
 - (a) matters involving public security may be disclosed and, having regard to the circumstances, the desirability of avoiding their disclosure in the public

interest outweighs the desirability of adhering to the principle that proceedings be open to the public; or

- (b) intimate financial or personal matters or other matters may be disclosed of such a nature, having regard to the circumstances, that the desirability of avoiding their disclosure in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public.

(8) A document purporting to be issued by the Commission and signed by one of its members is admissible in evidence without proof of the signature or authority of the person signing.

Admissibility
of documents

(9) After the end of each calendar year, the Commission shall file with the Solicitor General an annual report on its affairs.

Annual
report

(10) The money required for the Commission's purposes shall be paid out of the amounts appropriated by the Legislature for that purpose.

Expenses

22.—(1) The Commission's powers and duties include,

Powers and
duties of
Commission

- (a) if the Solicitor General advises the Commission that a board or municipal police force is not complying with prescribed standards of police services,

- (i) directing the board or police force to comply, and

- (ii) if the Commission considers it appropriate, taking measures in accordance with subsection 23 (1);

- (b) if the Solicitor General advises the Commission that a board or municipal chief of police is not complying with the requirements of this Act and the regulations respecting employment equity plans,

- (i) directing the board or chief of police to comply, and

- (ii) if the Commission considers it appropriate, taking measures in accordance with subsection 23 (2);

- (c) conducting investigations with respect to municipal police matters under section 25;
- (d) conducting inquiries into matters relating to crime and law enforcement under section 26;
- (e) inquiring into any matter regarding the designation of a municipality under subsection 4 (7) (police services in villages and townships) and, after a hearing, making recommendations to the Solicitor General;
- (f) hearing and disposing of appeals by members of police forces in accordance with Part V.

Powers of
Commission
in hearings,
investigations
and inquiries
R.S.O. 1980,
c. 411
Counsel

(2) When the Commission conducts a hearing, investigation or inquiry, it has all the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the proceeding as if it were an inquiry under that Act.

(3) At the Commission's request, the Solicitor General may appoint counsel to assist the Commission in a hearing, investigation or inquiry.

Sanctions for
failure to
comply with
prescribed
standards of
police
services

23.—(1) If the Commission is of the opinion, after holding a hearing, that a board or municipal police force has flagrantly or repeatedly failed to comply with prescribed standards of police services, the Commission may take any of the following measures or any combination of them:

1. Suspending the chief of police, one or more members of the board, or the whole board, for a specified period.
2. Removing the chief of police, one or more members of the board, or the whole board from office.
3. Disbanding the police force and requiring the Ontario Provincial Police to provide police services for the municipality.
4. Appointing an administrator to perform specified functions with respect to police matters in the municipality for a specified period.

Sanctions for
failure to
comply with
requirements
respecting
employment
equity plans

(2) If the Commission is of the opinion, after holding a hearing, that a board or municipal chief of police has failed to comply with the requirements of this Act and the regulations respecting employment equity plans, the Commission may

take any of the following measures or any combination of them:

1. Suspending the chief of police, one or more members of the board, or the whole board, for a specified period.
2. Removing the chief of police, one or more members of the board, or the whole board from office.
3. Appointing an administrator to perform specified functions with respect to employment equity, recruitment and promotion in the police force for a specified period.

(3) If the Commission suspends the chief of police or members of the board who are entitled to remuneration under subsection 27 (12), it shall specify whether the suspension is with or without pay.

Suspension
with or
without pay

(4) The Commission shall not take measures under subsection (2) with respect to the failure of a chief of police to meet specific goals or timetables contained in the employment equity plan if the Commission finds that the chief of police has made all reasonable efforts to meet them.

Defence

(5) An administrator appointed under paragraph 4 of subsection (1) or paragraph 3 of subsection (2) has all the powers necessary for the performance of his or her functions.

Powers of
administrator

(6) If the Commission suspends or removes the chief of police, it may appoint a person to replace him or her.

Replacement
of chief of
police

(7) The parties to the hearing are the chief of police, the board, any member of the board that the Commission designates and, if the Commission so directs, the association or associations representing members of the police force.

Parties

(8) The Commission may add parties at any stage of the hearing on the conditions it considers proper.

Idem

(9) If the Commission suspends a member of a board or removes him or her from office, the municipal council or the Lieutenant Governor in Council, as the case may be, shall appoint a person to replace the member.

Replacement
of suspended
or removed
member

(10) A member who has been removed shall not subsequently be a member of any board, and a member who has been suspended shall not be reappointed during the period of suspension.

Conse-
quences of
removal and
suspension

Appeal to
Divisional
Court

(11) A party may appeal to the Divisional Court within thirty days of receiving notice of the Commission's decision.

Grounds for
appeal

(12) An appeal may be made on a question that is not a question of fact alone, or from a penalty, or both.

Idem

(13) An appeal may also be made from a finding that a chief of police has made all reasonable efforts to meet the specific goals and timetables contained in an employment equity plan.

Appeal by
non-parties

(14) If the consent of the Attorney General is sought within thirty days of the Commission's decision and is given, a person who is not a party may appeal under subsection (13) as if he or she were a party.

Emergency,
interim order

24.—(1) The Commission may make an interim order under subsection 23 (1), without notice and without holding a hearing, if it is of the opinion that an emergency exists and that the interim order is necessary in the public interest.

Restriction

(2) The Commission shall not remove a person from office or disband a police force by means of an interim order.

Investigations

25.—(1) The Commission may, at the Solicitor General's request, at a municipal council's request or of its own motion, investigate, inquire into and report on,

(a) the conduct or the performance of duties of a municipal chief of police or other municipal police officer, an auxiliary member of a municipal police force, a special constable, a by-law enforcement officer or a member of a board;

(b) the administration of a municipal police force;

(c) the manner in which police services are provided for a municipality;

(d) the police needs of a municipality.

Cost of
investigation

(2) The cost of an investigation conducted at a council's request shall be paid by the municipality, unless the Solicitor General directs otherwise.

Report

(3) The Commission shall communicate its report of an investigation under subsection (1) to the Solicitor General at his or her request and to the board or council at its request, and may communicate the report to any other person as the Commission considers advisable.

(4) If the Commission concludes after a hearing that a member of a police force is not performing or is incapable of performing the duties of his or her position in a satisfactory manner, it may direct that the member be,

Penalties,
member of
police force

- (a) demoted as the Commission specifies, permanently or for a specified period;
- (b) dismissed; or
- (c) retired, if the member is entitled to retire.

(5) If the Commission concludes, after a hearing, that a member of a board is guilty of misconduct or is not performing or is incapable of performing the duties of his or her position in a satisfactory manner, it may remove or suspend the member.

Penalties,
member of
board

(6) A member of a police force or of a board on whom a penalty is imposed under subsection (4) or (5) may appeal to the Divisional Court within thirty days of receiving notice of the Commission's decision.

Appeal to
Divisional
Court

(7) An appeal may be made on a question that is not a question of fact alone, or from a penalty, or both.

Grounds for
appeal

(8) If the Commission suspends a member of a board or removes him or her from office, the municipal council or the Lieutenant Governor in Council, as the case may be, shall appoint a person to replace the member.

Replacement
of suspended
or removed
member

(9) A member who has been removed shall not subsequently be a member of any board, and a member who has been suspended shall not be reappointed during the period of suspension.

Conse-
quences of
removal and
suspension

26.—(1) The Lieutenant Governor in Council may direct the Commission to inquire into and report to the Lieutenant Governor in Council on any matter relating to crime or law enforcement, and shall define the scope of the inquiry in the direction.

Inquiries

(2) Section 6 (stated case) of the *Public Inquiries Act* applies to inquiries conducted under this section.

Application
of R.S.O.
1980, c. 411,
s. 6

(3) Witnesses at inquiries conducted under this section have the right to retain and instruct counsel and all the other rights of witnesses in civil courts.

Rights of
witnesses

Offence

(4) Any person who knowingly discloses, without the Commission's consent, evidence taken in private at an inquiry conducted under this section or information likely to identify the witness is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.

PART III

MUNICIPAL POLICE SERVICES BOARDS

Police
services
boards

27.—(1) There shall be a police services board for every municipality that maintains a police force.

Boards of
commissioners of
police
continued as
police
services
boardsR.S.O. 1980,
c. 381

Name

(2) Every board of commissioners of police constituted or continued under the *Police Act* or any other Act and in existence on the day this Act comes into force is continued as a police services board.

(3) A board shall be known as “(insert name of municipality) Police Services Board”.

Three-
member
boards in
smaller
municipalities
R.S.O. 1980,
c. 31

(4) The board of a municipality whose population according to the last enumeration taken under section 14 of the *Assessment Act* does not exceed 25,000 shall consist of,

- (a) the head of the municipal council, or another council member appointed by resolution of the council; and
- (b) two persons appointed by the Lieutenant Governor in Council.

Five-member
boards in
larger
municipalities

(5) The board of a municipality, other than a regional or metropolitan municipality, whose population according to the last enumeration taken under section 14 of the *Assessment Act* exceeds 25,000 shall consist of,

- (a) the head of the municipal council, or another council member appointed by resolution of the council;
- (b) one person appointed by resolution of the council; and
- (c) three persons appointed by the Lieutenant Governor in Council.

- (6) The council of a municipality to which subsection (4) would otherwise apply may determine, by resolution, that the composition of its board shall be as described in subsection (5). Smaller municipalities, option to expand board
- (7) A resolution passed under clause 8 (2a) (b) of the *Police Act* before the day this Act comes into force shall be deemed to have been passed under subsection (6). Transition
R.S.O. 1980,
c. 381
- (8) The board of a regional or metropolitan municipality shall consist of, Regional and metropolitan municipalities
- (a) two council members appointed by resolution of the municipal council; and
 - (b) three persons appointed by the Lieutenant Governor in Council.
- (9) The council of a regional or metropolitan municipality whose population according to the last enumeration taken under section 14 of the *Assessment Act* exceeds 300,000 may apply to the Lieutenant Governor in Council for an increase in the size of its board; if the Lieutenant Governor in Council approves the application, the board shall consist of, Seven-member boards in certain circumstances
R.S.O. 1980,
c. 31
- (a) the head of the council, or another council member appointed by resolution of the council;
 - (b) two council members appointed by resolution of the council; and
 - (c) four persons appointed by the Lieutenant Governor in Council.
- (10) If the position of a member appointed by the Lieutenant Governor in Council becomes vacant, the Solicitor General may appoint a replacement to act until the Lieutenant Governor in Council makes a new appointment. Vacancies
- (11) If the position of a member who is appointed by a municipal council or holds office by virtue of being the head of a municipal council becomes vacant, the board shall notify the council, which shall forthwith appoint a replacement. Idem
- (12) The council shall pay the members of the board who are appointed by the Lieutenant Governor in Council or Solicitor General remuneration that is at least equal to the prescribed amount. Remuneration

Judges and
justices of
the peace
ineligible

(13) No judge or justice of the peace shall be appointed as a member of a board.

Transition,
judges and
justices of
the peace

(14) A judge or justice of the peace who is a member of a board on the day this Act comes into force may continue to be a member until the third anniversary of that day.

Transition,
municipalities
without
boards

(15) In the case of a municipality that is required by subsection (1) to have a police services board and that does not, on the day this Act comes into force, have a board of commissioners of police, the following rules apply:

1. Subsection (1) does not apply to the municipality until the first anniversary of the coming into force of this Act.
2. Until subsection (1) applies to the municipality, the council shall perform the duties and may exercise the powers that this Act imposes and confers on police services boards.

Election of
chair

28. The members of a board shall elect a chair at the board's first meeting in each year.

Protection
from
personal
liability

29.—(1) No action or other proceeding for damages shall be instituted against a member of a board for any act done in good faith in the execution or intended execution of his or her duty or for any alleged neglect or default in the execution in good faith of that duty.

Board's
liability

(2) Subsection (1) does not relieve a board of liability for a member's acts or omissions, and the board is liable as if that subsection had not been enacted and as if the member were the board's employee.

Board may
contract, sue
and be sued

30.—(1) A board may contract, sue and be sued in its own name.

Members not
liable for
board's
contracts

(2) The members of a board are not personally liable for the board's contracts.

Responsi-
bilities of
boards

31.—(1) A board is responsible for the provision of police services and for law enforcement and crime prevention in the municipality and shall,

- (a) appoint the members of the municipal police force;
- (b) generally determine, after consultation with the chief of police, objectives and priorities with respect to police services in the municipality;

- (c) establish policies for the effective management of the police force;
- (d) recruit and appoint the chief of police and any deputy chief of police, and annually determine their remuneration and working conditions, taking their submissions into account;
- (e) direct the chief of police and monitor his or her performance;
- (f) establish an employment equity plan in accordance with section 48 and the regulations, review its implementation by the chief of police and receive regular reports from him or her on that subject;
- (g) receive regular reports from the chief of police on disclosures and decisions made under section 49 (secondary activities);
- (h) establish guidelines with respect to the indemnification of members of the police force for legal costs under section 50;
- (i) establish guidelines for the administration by the chief of police of the public complaints system under Part VI;
- (j) review the administration by the chief of police of the public complaints system and receive regular reports from him or her on that subject.

(2) The members of the police force, whether they were appointed by the board or not, are under the board's jurisdiction.

Members of
police force
under board's
jurisdiction

(3) The board may give orders and directions to the chief of police, but not to other members of the police force, and no individual member of the board shall give orders or directions to any member of the police force.

Restriction

(4) The board shall not direct the chief of police with respect to specific operational decisions or with respect to the day-to-day operation of the police force.

Idem

(5) The board shall ensure that its members undergo any training that the Solicitor General may provide or require.

Training of
board
members

(6) The board may, by by-law, make rules for the effective management of the police force.

Rules re
management
of police
force

Guidelines re
secondary
activities

(7) The board may establish guidelines consistent with section 49 for police officers' disclosure of secondary activities to the chief of police and for the decisions of the chief of police under subsection 49 (4).

Oath of
office

32. Before entering on the duties of office, a member of a board shall take an oath or affirmation of office in the prescribed form.

Agreement
to constitute
joint board
R.S.O. 1980,
c. 31

33.—(1) Despite any special Act, two or more municipalities whose combined population according to the last enumeration taken under section 14 of the *Assessment Act* exceeds 5,000 may enter into an agreement to constitute a joint board.

Idem

(2) The agreement must be authorized by by-laws of the councils of the participating municipalities and requires the consent of their boards.

Composition
of board

(3) The joint board shall consist of,

- (a) the heads of the councils of the participating municipalities; and
- (b) other members appointed by the Lieutenant Governor in Council.

Application
of Act to
joint boards

(4) The provisions of this Act that apply to boards also apply with necessary modifications to joint boards.

Delegation

34. A board may delegate to two or more of its members any authority conferred on it by this Act, except,

- (a) the authority to hear the appeals of police officers found guilty of misconduct under Part V, which must be exercised by a quorum; and
- (b) the authority to bargain under Part VIII, which the board may delegate to one or more members.

Meetings

35.—(1) The board shall hold at least four meetings each year.

Quorum

(2) A majority of the members of the board constitutes a quorum.

Proceedings
open to the
public

(3) Meetings and hearings conducted by the board shall be open to the public, subject to subsection (4), and notice of them shall be published in the manner that the board determines.

(4) The board may exclude the public from all or part of a meeting or hearing if it is of the opinion that, Exception

(a) matters involving public security may be disclosed and, having regard to the circumstances, the desirability of avoiding their disclosure in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public; or

(b) intimate financial or personal matters or other matters may be disclosed of such a nature, having regard to the circumstances, that the desirability of avoiding their disclosure in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public.

36. A document purporting to be a by-law of the board signed by a member or purporting to be a copy of such a by-law certified correct by a member is admissible in evidence without proof of the signature or authority of the person signing. Admissibility of documents

37. In performing its duties under this Act, a board has all the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the board as if it were conducting an inquiry under that Act. Power with respect to witnesses
R.S.O. 1980, c. 411

38. A municipal police force shall consist of a chief of police and such other police officers and other employees as the board considers adequate, and shall be provided with the equipment and facilities that the board considers adequate. Municipal police force

39.—(1) Each year, the board shall submit to the municipal council or to each council responsible for maintaining the police force, as the case may be, its estimates for the year. Estimates

(2) The estimates shall be submitted at least one month before the beginning of the fiscal year of the municipality or municipalities, as the case may be; if they are to be submitted to municipalities whose fiscal years begin on different dates, they shall be submitted to all the councils at least one month before the earliest date. Time

(3) The estimates shall show, separately, the amounts that will be required, Idem

(a) to maintain the police force and provide it with equipment and facilities; and

- (b) to pay the expenses of the board's operation other than the remuneration of board members.

Commission
hearing in
case of
disagreement

(4) If the council does not approve the board's estimates or disagrees with the board on the number of members of the police force that is adequate or the equipment and facilities that are adequate, the Commission shall determine the question after a hearing.

Reduction or
abolition of
police force

40.—(1) A board may terminate the employment of a member of the police force for the purpose of abolishing the police force or reducing its size if the Commission consents and if the abolition or reduction does not contravene this Act.

Criteria for
Commission's
consent

(2) The Commission shall consent to the termination of the employment of a member of the police force under subsection (1) only if,

- (a) the member and the board have made an agreement dealing with severance pay or agreed to submit the matter to arbitration; or
- (b) the Commission has made an order under subsection (3).

Order
imposing
arbitration

(3) If the member and the board do not make an agreement dealing with severance pay and do not agree to submit the matter to arbitration, the Commission, if it is of the opinion that it would be appropriate to permit the abolition of the police force or the reduction of its size, may order the member and the board to submit the matter to arbitration and may give any necessary directions in that connection.

Arbitration

(4) Section 124 applies to an arbitration referred to in this section with necessary modifications.

PART IV

POLICE OFFICERS AND OTHER POLICE STAFF

CHIEF OF POLICE

Duties of
chief of
police

41.—(1) The duties of a chief of police include,

- (a) in the case of a municipal police force, administering the police force and overseeing its operation in accordance with the objectives, priorities and policies established by the board under subsection 31 (1);

- (b) ensuring that members of the police force carry out their duties in accordance with this Act and the regulations and in a manner that reflects the needs of the community, and that discipline is maintained in the police force;
- (c) ensuring that the police force provides community-oriented police services;
- (d) administering discipline in accordance with Part V;
- (e) administering the public complaints system under Part VI;
- (f) implementing the employment equity plan established under section 48 and the regulations;
- (g) in the case of a municipal police force, reporting to the board at regular intervals on public complaints and on the implementation of the employment equity plan.

(2) The chief of police reports to the board and shall obey its lawful orders and directions.

Chief of
police reports
to board

POLICE OFFICERS

42.—(1) The duties of a police officer include,

Duties of
police officer

- (a) preserving the peace;
- (b) preventing crimes and other offences and providing assistance and encouragement to other persons in their prevention;
- (c) assisting victims of crime;
- (d) apprehending criminals and other offenders and others who may lawfully be taken into custody;
- (e) laying charges, prosecuting and participating in prosecutions;
- (f) executing warrants that are to be executed by police officers and performing related duties;
- (g) performing the lawful duties that the chief of police assigns;

(h) in the case of a municipal police force and in the case of an agreement under section 10 (agreement for provision of police services by O.P.P.), enforcing municipal by-laws;

(i) completing the prescribed training.

Power to act
throughout
Ontario

(2) A police officer has authority to act as such throughout Ontario.

Powers and
duties of
common law
constable

(3) A police officer has the powers and duties ascribed to a constable at common law.

Criteria for
hiring

43.—(1) No person shall be appointed as a police officer unless he or she,

(a) is a Canadian citizen or a permanent resident of Canada;

(b) is at least eighteen years of age;

(c) is physically and mentally able to perform the duties of the position, having regard to his or her own safety and the safety of members of the public;

(d) is of good moral character and habits; and

(e) has successfully completed at least four years of secondary school education or its equivalent.

Idem

(2) A candidate for appointment as a police officer shall provide any relevant information or material that is lawfully requested in connection with his or her application.

Probationary
period

44.—(1) A municipal police officer's probationary period begins on the day he or she is appointed and ends on the later of,

(a) the first anniversary of the day of appointment;

(b) the first anniversary of the day the police officer completes an initial period of training at the Ontario Police College.

Time for
completing
initial
training

(2) The police officer shall complete the initial period of training within six months of the day of appointment.

Termination
of
employment
during
probationary
period

(3) A board may terminate a police officer's employment at any time during his or her probationary period but, before doing so, shall give the police officer reasonable information

with respect to the reasons for the termination and an opportunity to reply, orally or in writing, as the board may determine.

(4) Subsections (1), (2) and (3) do not apply to a police officer who has completed a probationary period with another municipal police force.

Only one
probationary
period

45. A person appointed to be a police officer shall, before entering on the duties of his or her office, take oaths or affirmations of office and secrecy in the prescribed form.

Oaths of
office and
secrecy

46. No municipal police officer shall engage in political activity, except as the regulations permit.

Political
activity

MEMBERS OF POLICE FORCES

47.—(1) Subject to subsection (2), if a member of a municipal police force becomes mentally or physically disabled and as a result is incapable of performing the essential duties of the position, the board shall accommodate his or her needs in accordance with the *Human Rights Code, 1981*.

Accommo-
dation of
needs of
disabled
member of
municipal
police force
1981, c. 53

(2) The board may discharge the member, or retire him or her if entitled to retire, if, after holding a hearing at which the evidence of two legally qualified medical practitioners is received, the board,

Undue
hardship

(a) determines, on the basis of that evidence, that the member is mentally or physically disabled and as a result incapable of performing the essential duties of the position, and what duties the member is capable of performing; and

(b) concludes that the member's needs cannot be accommodated without undue hardship on the board.

(3) Subject to subsection (4), if a member of the Ontario Provincial Police becomes mentally or physically disabled and as a result is incapable of performing the essential duties of the position, the Commissioner shall accommodate the member's needs in accordance with the *Human Rights Code, 1981*.

Idem,
O.P.P.

(4) The member may be discharged, or retired if entitled to retire, if, after holding a hearing at which the evidence of two legally qualified medical practitioners is received, the Commissioner or a person whom he or she designates,

Idem

- (a) determines, on the basis of that evidence, that the member is mentally or physically disabled and as a result incapable of performing the essential duties of the position, and what duties the member is capable of performing; and
- (b) concludes that the member's needs cannot be accommodated without undue hardship on the Crown in right of Ontario.

Appeal

(5) A member of a police force who is discharged or retired under subsection (2) or (4) may appeal to the Commission by serving a written notice on the Commission and on the board or the Commissioner, as the case may be, within thirty days of receiving notice of the decision.

Powers of Commission

(6) The Commission may confirm, alter or revoke the decision or may require the board or Commissioner, as the case may be, to rehear the matter.

Decision

(7) The Commission shall promptly give written notice of its decision, with reasons, to the appellant and to the board or Commissioner, as the case may be.

Participation of members of Commission

(8) No member of the Commission shall participate in the decision unless he or she was present throughout the hearing of the appeal and, except with the consent of the appellant, no decision of the Commission shall be given unless all members who were present throughout the hearing participate in the decision.

Employment equity plans

48.—(1) Every police force shall have an employment equity plan prepared in accordance with this section and the regulations.

Contents of plan

(2) An employment equity plan shall provide for,

- (a) the elimination of systemic barriers to the recruitment and promotion of persons who are members of prescribed groups;
- (b) the implementation of positive measures with respect to the recruitment and promotion of those persons, so as to make the police force more representative of the community or communities it serves; and
- (c) specific goals and timetables with respect to the elimination of systemic barriers, the implementation

of positive measures and the composition of the police force.

(3) In the case of a municipal police force, the board shall prepare the employment equity plan and submit it to the Solicitor General for approval.

Board to prepare plan for municipal police force

(4) In the case of the Ontario Provincial Police, the Commissioner shall prepare the employment equity plan and submit it to the Solicitor General for approval.

Commissioner to prepare plan for O.P.P.

(5) Before approving the employment equity plan, the Solicitor General may require that changes be made to it.

Solicitor General

49.—(1) A member of a police force shall not engage in any activity,

Restrictions on secondary activities

(a) that interferes with or influences adversely the performance of his or her duties as a member of a police force, or is likely to do so;

(b) that places him or her in a position of conflict of interest, or is likely to do so;

(c) that would otherwise constitute full-time employment for another person; or

(d) in which he or she has an advantage derived from employment as a member of a police force.

(2) Clause (1) (d) does not prohibit a member of a police force from performing, in a private capacity, services that have been arranged through the police force.

Exception, paid duty

(3) A member of a police force who proposes to undertake an activity that may contravene subsection (1) or who becomes aware that an activity that he or she has already undertaken may do so shall disclose full particulars of the situation to the chief of police.

Disclosure to chief of police

(4) The chief of police shall decide whether the member is permitted to engage in the activity and the member shall comply with that decision.

Decision of chief of police

50.—(1) The board or the Crown in right of Ontario, as the case may be, is liable in respect of torts committed by members of the police force in the course of their employment.

Liability for torts

Indemnification of member of municipal police force

(2) The board may, in accordance with the guidelines established under clause 31 (1) (h), indemnify a member of the police force for reasonable legal costs incurred,

- (a) in the defence of a civil action, if the member is not found to be liable;
- (b) in the defence of a criminal prosecution, if the member is found not guilty;
- (c) in respect of any other proceeding in which the member's manner of execution of the duties of his or her employment was an issue, if the member is found to have acted in good faith.

Agreement

(3) The police force and the board may, in an agreement made under Part VIII, provide for indemnification for the legal costs of members of the police force, except the legal costs of a member who is found guilty of a criminal offence; if such an agreement exists, the board shall indemnify members in accordance with the agreement and subsection (2) does not apply.

Council responsible for board's liabilities

(4) The council is responsible for the liabilities incurred by the board under subsections (1), (2) and (3).

Indemnification of member of O.P.P.

(5) The Treasurer of Ontario may indemnify, out of the Consolidated Revenue Fund, a member of the Ontario Provincial Police for reasonable legal costs incurred,

- (a) in the defence of a civil action, if the member is not found to be liable;
- (b) in the defence of a criminal prosecution, if the member is found not guilty;
- (c) in respect of any other proceeding in which the member's manner of execution of the duties of his or her employment was an issue, if the member is found to have acted in good faith.

Agreement

R.S.O. 1980.
c. 418

(6) The Ontario Provincial Police and the Crown in right of Ontario may, in an agreement made under the *Public Service Act*, provide for indemnification for the legal costs of members of the police force, except the legal costs of a member who is found guilty of a criminal offence; if such an agreement exists, the Treasurer shall indemnify members in accordance with the agreement and subsection (5) does not apply.

51.—(1) With the board's approval, a municipal chief of police may appoint persons as police cadets to undergo training. Police cadets

(2) A police cadet is a member of the municipal police force. Idem

52.—(1) With the Commission's approval, a board may appoint auxiliary members of the police force. Auxiliary members of municipal police force

(2) If the board suspends or terminates the appointment of an auxiliary member of the police force, it shall promptly give the Commission written notice of the suspension or termination. Notice of suspension or termination

(3) The Commissioner may appoint auxiliary members of the Ontario Provincial Police. Auxiliary members of O.P.P.

(4) An auxiliary member of a police force has the authority of a police officer if he or she is accompanied or supervised by a police officer and is authorized to perform police duties by the chief of police. Authority of auxiliary members of police force

(5) The chief of police may authorize an auxiliary member of the police force to perform police duties only in special circumstances, including an emergency, that the police officers of the police force are not sufficiently numerous to deal with. Restriction

(6) A person appointed to be an auxiliary member of a police force shall, before entering on the duties of his or her office, take oaths or affirmations of office and secrecy in the prescribed form. Oaths of office and secrecy

SPECIAL CONSTABLES

53.—(1) With the Commission's approval, a board may appoint a special constable to act for the period, area and purpose that the board considers expedient. Special constables appointed by board

(2) With the Commission's approval, the Commissioner may appoint a special constable to act for the period, area and purpose that the Commissioner considers expedient. Special constables appointed by Commissioner

(3) The appointment of a special constable may confer on him or her the powers of a police officer, to the extent and for the specific purpose set out in the appointment. Powers of police officer

(4) A special constable shall not be employed by a police force to perform on a permanent basis, whether part-time or full-time, all the usual duties of a police officer. Restriction

- Idem (5) Subsection (4) does not prohibit police forces from employing special constables to escort and convey persons in custody and to perform duties related to the responsibilities of boards under the *Court Security Act*.
- R.S.O. 1980, c. 381
- Suspension or termination of appointment (6) The power to appoint a special constable includes the power to suspend or terminate the appointment, but if a board or the Commissioner suspends or terminates an appointment, written notice shall promptly be given to the Commission.
- Commission (7) The Commission also has power to suspend or terminate the appointment of a special constable.
- Information and opportunity to reply (8) Before a special constable's appointment is terminated, he or she shall be given reasonable information with respect to the reasons for the termination and an opportunity to reply, orally or in writing as the board, Commissioner or Commission, as the case may be, may determine.
- Oaths of office and secrecy (9) A person appointed to be a special constable shall, before entering on the duties of his or her office, take oaths or affirmations of office and secrecy in the prescribed form.

FIRST NATIONS CONSTABLES

- First Nations Constables **54.**—(1) With the Commission's approval, the Commissioner may appoint a First Nations Constable to perform specified duties.
- Further approval R.S.C. 1985, c. 1-5 (2) If the specified duties of a First Nations Constable relate to a reserve as defined in the *Indian Act* (Canada), the appointment also requires the approval of the reserve's police governing authority or band council.
- Powers of police officer (3) The appointment of a First Nations Constable confers on him or her the powers of a police officer for the purpose of carrying out his or her specified duties.
- Duty to consult (4) The Commissioner shall not suspend or terminate the appointment of a First Nations Constable whose specified duties relate to a reserve without first consulting with the police governing authority or band council that approved the appointment.
- Suspension or termination of appointment (5) The power to appoint a First Nations Constable includes the power to suspend or terminate the appointment, but if the Commissioner suspends or terminates an appointment, written notice shall promptly be given to the Commission.

(6) The Commission also has power to suspend or terminate the appointment of a First Nations Constable. Commission

(7) Before a First Nations Constable's appointment is terminated, he or she shall be given reasonable information with respect to the reasons for the termination and an opportunity to reply, orally or in writing as the Commissioner or Commission, as the case may be, may determine. Information and opportunity to reply

(8) A person appointed to be a First Nations Constable shall, before entering on the duties of his or her office, take oaths or affirmations of office and secrecy in the prescribed form. Oaths of office and secrecy

EMERGENCIES

55.—(1) In an emergency, the Solicitor General may make an agreement with the Crown in right of Canada or of another province or with any of its agencies for the provision of police services. Emergencies

(2) The agreement authorizes all peace officers to whom it relates to act as police officers in the area to which the agreement relates. Authority to act as police officers

(3) For the purpose of the *Workers' Compensation Act*, the relationship between a member of a police force and the body that employs him or her continues as if an agreement had not been made under this section. Application of R.S.O. 1980, c. 539

(4) If the services of the Canadian Forces are provided under this section, the municipality in whose territory the services are required shall pay all the related expenses. Expense of calling out Canadian Forces

(5) Subject to sections 33 and 34 of the *National Defence Act* (Canada), while an agreement made under this section is in force, no member of a police force that has jurisdiction in the area to which the agreement relates shall resign without the consent of the chief of police. Resignation during emergency prohibited
R.S.C. 1985, c. N-5

PART V

DISCIPLINARY PROCEEDINGS

56. A police officer is guilty of misconduct if he or she, Misconduct

(a) commits an offence described in a prescribed code of conduct;

(b) contravenes section 46 (political activity);

- (c) engages in an activity that contravenes subsection 49 (1) (secondary activities) without the permission of his or her chief of police, being aware that the activity may contravene that subsection;
- (d) contravenes subsection 55 (5) (resignation during emergency);
- (e) contravenes section 57 (inducing misconduct, withholding services);
- (f) contravenes subsection 96 (4) (photography at hearing);
- (g) contravenes subsection 100 (6) (obstructing Police Complaints Commissioner);
- (h) contravenes subsection 108 (2) (confidentiality);
- (i) contravenes section 117 (trade union membership);
- (j) deals with personal property, other than money or a firearm, in a manner that is not consistent with section 132;
- (k) deals with money in a manner that is not consistent with section 133;
- (l) deals with a firearm in a manner that is not consistent with section 134;
- (m) contravenes a regulation made under paragraph 15 (equipment), 16 (use of force), 17 (standards of dress, police uniforms) 20 (police pursuits) or 21 (records) of subsection 135 (1).

Inducing
misconduct

57.—(1) No person, including a member of a police force, shall,

- (a) induce or attempt to induce a member of a police force to withhold his or her services; or
- (b) induce or attempt to induce a police officer to commit misconduct.

Withholding
services

(2) No member of a police force shall withhold his or her services.

Offence

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and on conviction is liable to a fine of not more

than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(4) No prosecution shall be instituted under this section without the consent of the Solicitor General.

Consent of
Solicitor
General

58.—(1) Any apparent or alleged misconduct by a police officer shall be investigated by his or her chief of police.

Chief to
investigate
misconduct

(2) When a complaint is made under Part VI with respect to apparent or alleged misconduct by a police officer, the following rules apply:

Effect of
complaint

1. The complaint shall be dealt with in accordance with Part VI, and recourse shall be had to this Part only as Part VI permits.
2. Any investigation of the matter under this Part and any hearing under section 60 are suspended as soon as the chief of police becomes aware that a complaint has been made.

59.—(1) If the chief of police investigates apparent or alleged misconduct and concludes that the police officer is guilty of misconduct but that the misconduct is not of a serious nature, the following rules apply:

Procedure in
case of
misconduct
not of
serious
nature

1. The chief of police shall provide the police officer with reasonable information concerning the matter and shall give him or her an opportunity to reply, orally or in writing.
2. The chief of police may then admonish the police officer and may cause an entry concerning the matter, the action taken and the police officer's reply to be made in his or her employment record.
3. If the police officer refuses to accept the admonition, the chief of police shall not cause particulars to be recorded without first holding a hearing.

(2) An entry made in the police officer's employment record under paragraph 2 of subsection (1) shall be expunged from the record two years after being made if during that time no other entries concerning misconduct have been made in the record under this Part or Part VI.

Expungement

(3) Nothing in this section affects agreements between boards and police officers or associations that permit other penalties than admonition to be administered, if the police

Agreement

officer in question consents, without a hearing under section 60.

Hearing

60.—(1) A chief of police may hold a hearing to determine whether a police officer belonging to his or her police force is guilty of misconduct.

Prosecutor

(2) The chief of police shall designate to be prosecutor at the hearing,

(a) a police officer of the rank of sergeant or higher;

(b) if there is none of that rank, a police officer of a rank equal to or higher than that of the police officer who is the subject of the hearing; or

(c) a legal counsel.

Recording of evidence

(3) The oral evidence given at the hearing shall be recorded and copies or transcripts shall be provided on the same terms as in the Supreme Court of Ontario.

Examination of evidence

(4) Before the hearing, the police officer shall be given an opportunity to examine any physical or documentary evidence that will be produced or any report whose contents will be given in evidence.

Idem

(5) If the hearing is being conducted as a result of a complaint made under Part VI, the complainant shall likewise be given an opportunity to examine evidence and reports before the hearing.

Police officer not required to give evidence
R.S.O. 1980,
c. 484

(6) Despite section 12 of the *Statutory Powers Procedure Act*, the police officer shall not be required to give evidence at the hearing.

Limited admissibility of certain statements

(7) In the case of a hearing that is being conducted as a result of a complaint made under Part VI, no statement made by the police officer or complainant in the course of an attempt to resolve the complaint informally shall be admitted in evidence at the hearing, except with the consent of the person who made the statement.

Person conducting hearing not to communicate in relation to subject-matter of hearing

(8) The person conducting the hearing shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or person's counsel or representative, unless the police officer and the prosecutor receive notice and have an opportunity to participate.

(9) However, the person conducting the hearing may seek legal advice from an adviser independent of the police officer and the prosecutor, and in that case the nature of the advice shall be communicated to them so that they make submissions as to the law. Exception

(10) Within a reasonable time after the matter has been finally determined, documents and things put in evidence at the hearing shall, on request, be released to the person who produced them. Release of exhibits

(11) If the police officer is charged with an offence under a law of Canada or of a province or territory in connection with the alleged misconduct, the hearing shall continue unless the Crown Attorney advises the chief of police that it should be stayed until the conclusion of the court proceedings. Stay

(12) If six months have elapsed since the facts on which an allegation of misconduct is based first came to the attention of the chief of police, no notice of hearing shall be served unless the board (in the case of a municipal police officer) or the Commissioner (in the case of a member of the Ontario Provincial Police) is of the opinion that it was reasonable, under the circumstances, to delay serving the notice of hearing. Six-month limitation period, exception

61.—(1) If misconduct is proved at the hearing on clear and convincing evidence, the chief of police may, Penalties

- (a) dismiss the police officer from the police force;
- (b) direct that the police officer be dismissed in seven days unless he or she resigns before that time;
- (c) demote the police officer, specifying the manner and period of the demotion;
- (d) suspend the police officer without pay for a period not exceeding thirty days or 240 hours, as the case may be;
- (e) direct that the police officer forfeit not more than five days' or forty hours' pay, as the case may be; or
- (f) direct that the police officer forfeit not more than twenty days or 160 hours off, as the case may be.

(2) Penalties imposed under clauses (1) (d), (e) and (f) shall be calculated in terms of days if the police officer normally works eight hours a day or less and in terms of hours if he or she normally works more than eight hours a day. Calculation

- Idem (3) Instead of or in addition to a penalty described in subsection (1), the chief of police may reprimand the police officer.
- Dismissal and demotion (4) The chief of police shall not impose the penalties of dismissal or demotion unless the notice of hearing or a subsequent notice served on the police officer indicated that they might be imposed if the misconduct were proved on clear and convincing evidence.
- Notice of decision (5) The chief of police shall promptly give written notice of the decision, with reasons, to the police officer and, in the case of a municipal police force, to the board.
- Idem (6) If the hearing was conducted as a result of a complaint made under Part VI, the chief of police shall also give notice of the decision, with reasons, to the complainant and to the Police Complaints Commissioner.
- Police officer's employment record (7) No reference to the allegations of misconduct or the hearing shall be made in the police officer's employment record, and the matter shall not be taken into account for any purpose relating to his or her employment, unless,
- (a) misconduct is proved on clear and convincing evidence; or
 - (b) the police officer resigns before the matter is finally disposed of.
- Misconduct by municipal chief of police **62.**—(1) A board may hold a hearing to determine whether the chief of police is guilty of misconduct, and this Part applies with necessary modifications.
- Commission hearing (2) The chief of police may, by serving a notice to that effect on the board and the Commission, require that the Commission hold the hearing instead of the board.
- Appeal to board **63.**—(1) A municipal police officer on whom a penalty is imposed under section 61 may appeal to the board by serving a notice of appeal on the board and the chief of police within fifteen days of receiving notice of the decision.
- Hearing (2) The board shall hear the appeal on the record, but may receive new or additional evidence as it considers just.
- Powers of board (3) The board may confirm, alter or revoke the decision or may require the chief of police to rehear the matter.

(4) The board shall promptly give written notice of its decision, with reasons, to the chief of police and the police officer.

Board's
decision

(5) No member of the board shall participate in the decision unless he or she was present throughout the hearing of the appeal and, except with the police officer's consent, no decision of the board shall be given unless all members who were present throughout the hearing participate in the decision.

Participation
of members

(6) The members of the board who participate in the decision shall not communicate directly or indirectly in relation to the subject-matter of the appeal with any person or person's counsel or representative, unless the police officer and the chief of police receive notice and have an opportunity to participate.

Members
not to
communicate
in relation to
subject-
matter of
appeal

(7) However, the board may seek legal advice from an adviser independent of the police officer and the chief of police, and in that case the nature of the advice shall be communicated to them so that they may make submissions as to the law.

Exception

(8) The police officer may appeal to the Commission from the board's decision by serving a notice of appeal on the Commission, the board and the chief of police within thirty days of receiving notice of the decision.

Further
appeal to
Commission

64. Instead of hearing a police officer's appeal under section 63, the board may, on its own initiative or on the application of the police officer or the chief of police, require the Commission to hear the appeal.

Hearing by
Commission
instead of
board

65. A member of the Ontario Provincial Police on whom a penalty is imposed under section 61 may appeal to the Commission by serving a written notice on the Commission and the Commissioner within thirty days of receiving notice of the decision.

O.P.P..
appeal to
Commission
from
Commissioner's
decision

66. If the hearing was conducted as a result of a complaint made under Part VI, sections 63 and 65 do not apply and the police officer may only appeal in accordance with that Part.

Exception in
case of
public
complaint

67. Subsections 63 (2) to (7) apply to appeals heard by the Commission as if references to the board were references to the Commission and, in the case of an appeal from a board's decision, as if references to the chief of police were references to the board.

Appeals to
Commission

Extension of
time for
appeals

68. The board or Commission may grant an extension of the time provided for giving it a notice of appeal, before or after the expiry of the time, and may give directions in connection with the extension.

Delegation

69. A chief of police may authorize any member of the police force to exercise any power or perform any duty of the chief of police referred to in this Part, subject to the following rules:

1. A hearing under section 60 shall be conducted by a police officer of the rank of inspector or higher.
2. A police officer from another police force who meets the requirements of paragraph 1 may conduct the hearing, with the approval of his or her chief of police.
3. The measures referred to in subsection 59 (1) (procedure in case of misconduct not of serious nature) shall be taken by a police officer of the rank of inspector or higher.

Notice

70.—(1) A notice required to be given under this Part is sufficiently given if delivered personally or sent by prepaid registered mail addressed to the person.

Notice by
mail

(2) Notice that is given by mail shall be deemed to be given on the fifth day after the day of mailing, unless the person to whom the notice is to be given establishes that he or she, acting in good faith, through absence, accident, illness or other cause beyond his or her control failed to receive the notice until a later date.

Suspension

71.—(1) If a police officer is suspected of or charged with an offence under a law of Canada or of a province or territory or is suspected of misconduct, the chief of police may suspend him or her from duty with pay.

Revocation
and reimposition
of
suspension

(2) The chief of police may revoke the suspension and later reimpose it, repeatedly if necessary, as he or she considers appropriate.

Duration of
suspension

(3) Unless the chief of police revokes the suspension, it shall continue until the final disposition of the proceeding in which the police officer's conduct is at issue.

Conditions of
suspension

(4) While suspended, the police officer shall not exercise any of the powers vested in him or her as a police officer or

wear or use clothing or equipment that was issued to him or her in that capacity.

(5) If a police officer is convicted of an offence and sentenced to a term of imprisonment, the chief of police may suspend him or her without pay, even if the conviction or sentence is under appeal. Suspension without pay

72.—(1) If a police officer is suspended with pay, the pay for the period of suspension shall be reduced by the amount that he or she earns from other employment during that period. Earnings from other employment

(2) Subsection (1) does not apply to earnings from other employment that was commenced before the period of suspension. Exception

PART VI

PUBLIC COMPLAINTS

73.—(1) In this Part, Definitions

“bureau” means the public complaints investigation bureau of a police force;

“Commissioner” means the Police Complaints Commissioner appointed under section 99.

(2) In this Part, unless the context indicates otherwise, a reference to a police officer is a reference to the police officer who is the subject of a complaint. Police officer

74. This Part shall be administered by the Attorney General. Attorney General

75. Complaints by members of the public about the conduct of police officers shall be dealt with in accordance with this Part. Application of Part

76.—(1) Every chief of police shall establish and maintain a public complaints investigation bureau. Bureau

(2) The chief of police shall ensure that the bureau is supplied with sufficient staff to perform its duties effectively. Staff

(3) If the police force has fewer than twenty police officers, the bureau of another police force may, under an agreement made in accordance with section 7 (municipal agreements for sharing police services) or 10 (municipal agreements for provi- Small police forces

sion of police services by O.P.P.), act as the first-named police force's bureau as well; in that case, subsections (1) and (2) do not apply.

INITIAL HANDLING OF COMPLAINT

Complaint by
member of
public

77.—(1) A member of the public may make a complaint about the conduct of a police officer, orally or in writing,

- (a) at the bureau of the police force to which the complaint relates, or at a station or detachment of that police force; or
- (b) at an office of the Commissioner; or
- (c) at any bureau, police station or detachment.

Recording of
complaint

(2) The person who receives the complaint shall record it on a form provided by the Commissioner and shall give a copy of the completed form to the person who makes the complaint.

Information

(3) The person who makes the complaint shall also be given a statement, in a form provided by the Commissioner, that sets out the procedures followed in dealing with a complaint and describes the rights of a complainant.

Preservation
of evidence,
preliminary
investigation

(4) The person on duty who is in charge of a place when a complaint is received shall,

- (a) take all reasonable steps to ensure that evidence that might otherwise be lost is secured immediately;
- (b) if he or she considers it appropriate, ensure that a preliminary investigation is conducted immediately; and
- (c) ensure that a report on the evidence and on the preliminary investigation, if any, is forthwith prepared and attached to the complaint.

Copies of
complaint

(5) The person who records the complaint shall forthwith send copies of it,

- (a) to the bureau, the chief of police and the Commissioner, in the case of a complaint made at a station or detachment of the police force to which it relates;

- (b) to the chief of police and the Commissioner, in the case of a complaint made at the bureau of the police force to which it relates;
- (c) to the bureau and the chief of police of the police force to which it relates, in the case of a complaint made at an office of the Commissioner;
- (d) to the Commissioner, in the case of a complaint made at a bureau, station or detachment of a different police force than the one to which it relates.

(6) If a complaint was made at a bureau, station or detachment of a different police force than the one to which it relates, the Commissioner shall forthwith send copies of the complaint and of any report prepared under subsection (4) to the appropriate bureau.

Complaint made to another police force

(7) A complaint that is made more than six months after the incident to which it relates shall be further dealt with under this Part only if the Commissioner so directs.

Complaint made more than six months after incident

78.—(1) In exceptional circumstances, the Attorney General may direct the Commissioner to make a complaint about the conduct of a police officer.

Complaint by Commissioner

(2) The Commissioner shall cause the complaint to be recorded and shall send copies to the bureau and the chief of police of the force to which it relates.

Recording of complaint, copies

(3) The Commissioner is the complainant in the case of a complaint made under this section.

Complainant

(4) Subsection 77 (7) and sections 80 (notice to potential complainant), 81 (classification of complaint), 82 (reclassification), 83 (informal resolution) and 85 (decision by chief of police re no further action) do not apply to complaints made under this section.

Non-application of certain provisions

79.—(1) When the bureau receives a complaint, the person in charge shall forthwith give the police officer notice of the substance of the complaint, unless in the person's opinion to do so might prejudice the investigation.

Notice to police officer

(2) The notice shall be written on a form provided by the Commissioner.

Form

80.—(1) If the complaint is made by a person who was not directly affected by the incident and did not observe it, the Commissioner shall, as soon as possible after receiving the

Notice to potential complainant

complaint, attempt to find the person who was directly affected by the incident or who observed it and send him or her a notice.

Idem

(2) The notice shall indicate that a complaint has been made, that the person is entitled to be the complainant in the matter and that the complaint will not be dealt with further unless he or she is the complainant.

Idem

(3) The notice shall also include information about the procedures followed in dealing with a complaint and the rights of a complainant.

No further
action

(4) The complaint shall not be further dealt with under this Part if,

(a) no person who was directly affected by the incident or who observed it can be found; or

(b) the person to whom the Commissioner sends the notice does not, within thirty days of the date on which it is sent, file with the Commissioner a request to be the complainant in the matter.

Disciplinary
proceeding

(5) However, if a disciplinary proceeding is commenced against the police officer in respect of the complaint, the chief of police shall notify the Commissioner of the proceeding and of its result, and the Commissioner shall then notify the person who made the complaint.

Reopening of
matter

(6) If the person to whom the Commissioner sends the notice files a request to be the complainant in the matter after the thirty-day period referred to in subsection (4), the Commissioner may cause the matter to be reopened despite the late filing if he or she considers it advisable to do so.

Classification
of complaint

81.—(1) When the bureau receives a complaint, the person in charge shall consider whether it relates to possible misconduct under section 56, to other matters or to both.

Idem

(2) If the person in charge is of the opinion that all or part of the complaint relates only to other matters than possible misconduct, he or she may, with the Commissioner's consent, classify the complaint or part as an inquiry.

Notice and
investigation

(3) When all or part of a complaint has been classified as an inquiry, the person in charge shall forthwith notify the complainant and the police officer of the fact and may cause the inquiry to be investigated.

(4) Not more than sixty days after the bureau receives the original complaint, the person in charge shall send the complainant a written response to the inquiry and shall also send the Commissioner a copy of the response, together with a summary of the results of any investigation.

Response to
complainant

(5) A complaint or part of a complaint that is classified as an inquiry and not reclassified as a complaint and that is the subject of a response under this section need not be dealt with further under this Part.

Effect

82.—(1) During the course of the investigation of an inquiry, if the person in charge concludes that all or part of it relates to possible misconduct, he or she may reclassify the inquiry or part as a complaint.

Reclassification

(2) After receiving a summary of the results of the investigation of an inquiry, the Commissioner may direct the person in charge to reclassify all or part of it as a complaint.

Idem

(3) The person in charge shall forthwith notify the complainant and the police officer of the reclassification, and shall also notify the Commissioner in the case of a reclassification under subsection (1).

Notice

(4) An inquiry or part of an inquiry that is reclassified as a complaint shall be dealt with as such under this Part.

Effect

INFORMAL RESOLUTION, WITHDRAWAL

83.—(1) If the complainant and the police officer consent, the complaint may be resolved informally by the person in charge of the bureau, before the chief of police gives notice of a decision under section 90, or by the Commissioner after that time.

Informal
resolution by
person in
charge of
bureau

(2) If a board of inquiry has begun to hear evidence or argument in respect of the complaint, its consent is also required for an informal resolution.

Board's
consent

(3) When a complaint is resolved informally, the resolution shall be recorded on a form provided by the Commissioner and signed by the complainant and police officer.

Record

(4) Copies of the record shall be provided to the complainant and the police officer, and to the Commissioner if the complaint was resolved by the person in charge of the bureau.

Copies

(5) If the Commissioner is of the opinion that the informal resolution is the result of a misunderstanding or a threat or

Commissioner's
decision that
complaint to
continue

other improper pressure, he or she may decide that the complaint shall continue to be dealt with under this Part despite the informal resolution.

Notice

(6) The Commissioner shall give notice of the decision, with reasons, to the complainant, the police officer, the chief of police and the person in charge of the bureau.

Withdrawal
of complaint

84.—(1) The complainant may withdraw the complaint by giving a notice of withdrawal to the person in charge of the bureau, before the chief of police gives notice of a decision under section 90, or to the Commissioner after that time.

Idem,
complaint
made by
Commissioner

(2) If the complaint was made under section 78, the Commissioner may withdraw it by giving a notice of withdrawal to the chief of police and a copy to the police officer; subsection (3) applies to the withdrawal but subsections (4) to (7) do not.

Board's
consent

(3) If a board of inquiry has begun to hear evidence or argument in respect of the complaint, it shall not be withdrawn without the board's consent.

Copies

(4) A copy of the notice of withdrawal shall be provided to the police officer, and to the Commissioner if the person in charge of the bureau received the notice.

Form

(5) The notice of withdrawal shall be written on a form provided by the Commissioner.

Commissioner's
decision that
complaint to
continue

(6) If the Commissioner is of the opinion that the withdrawal is the result of a misunderstanding or a threat or other improper pressure, he or she may decide that the complaint shall continue to be dealt with under this Part despite the withdrawal.

Notice

(7) The Commissioner shall give notice of the decision, with reasons, to the complainant, the police officer, the chief of police and the person in charge of the bureau.

POWERS OF CHIEF OF POLICE

Decision re
no further
action

85.—(1) At any time before making a decision under section 90, the chief of police may decide that the complaint or part of it shall not be further dealt with under this Part, if he or she is of the opinion that the complaint or part is frivolous or vexatious or was made in bad faith.

Notice

(2) The chief of police shall give the Commissioner, the complainant and the police officer notice of the decision.

86.—(1) The chief of police may commence or continue a disciplinary proceeding against a police officer under Part V even if, Power to commence or continue disciplinary proceeding

- (a) the complaint is withdrawn or is resolved informally; or
- (b) the complaint is not to be further dealt with under this Part because of subsection 77 (7) (complaint filed more than six months after incident) or section 80 (complaint made by person not directly affected), or because of a decision by the chief of police under section 85.

(2) The chief of police shall give the Commissioner and the complainant notice of a decision to commence or continue a disciplinary proceeding in the circumstances described in subsection (1), and shall also give them notice of the results of the proceeding. Notice to Commissioner and complainant

INVESTIGATION OF COMPLAINT

87.—(1) The person in charge of the bureau shall cause an investigation to be conducted into the complaint in accordance with the prescribed procedures. Investigation

(2) During the course of the investigation, the person in charge shall send the Commissioner, the complainant and the police officer interim reports on the investigation at monthly intervals. Interim reports

(3) The first interim report shall be sent not more than thirty days after the bureau receives the complaint. Idem

(4) If there are no new matters to report, the person in charge may send the Commissioner, the complainant and the police officer a notice to that effect instead of an interim report. Exception

(5) The person in charge may withhold an interim report from the complainant or the police officer if, in his or her opinion, it is desirable to do so in order to avoid prejudicing the investigation, but in that case shall forthwith notify the Commissioner of the decision and the reasons for it. Idem

(6) When the investigation has been completed, the person in charge shall cause a final report to be prepared and shall send copies of it to the Commissioner, the chief of police, the complainant and the police officer. Final report

Contents

(7) The final report shall contain,

- (a) a summary of the complaint, including a description of the police officer's alleged misconduct;
- (b) a summary of the investigation, including summaries of the information obtained from the complainant, the police officer and any witnesses; and
- (c) a description and analysis of any physical evidence obtained.

Further investigation

(8) After receiving a final report, the Commissioner may require the chief of police to have the complaint investigated further.

Idem

(9) A summary of the results of any further investigation shall be sent to the persons who received the final report.

Forms

(10) The interim reports and final report shall be written on forms provided by the Commissioner.

Investigation by Commissioner

88.—(1) The Commissioner may conduct the investigation into the complaint, instead of the bureau,

- (a) for any reason, after receiving the first interim report or after the thirty-day period referred to in subsection 87 (3) has expired;
- (b) if the complainant has commenced a court proceeding against the police officer, the police force or the chief of police, the police services board or the municipality (in the case of a municipal police force) or the Crown in right of Ontario (in the case of the Ontario Provincial Police) in connection with the incident to which the complaint relates;
- (c) if the Commissioner has reasonable grounds to believe that undue delay or other unusual circumstances have affected the bureau's investigation or the preparation of its final report; or
- (d) if the chief of police requests that the Commissioner conduct the investigation.

Duty of chief of police

(2) The chief of police, if he or she becomes aware that the complainant has commenced a court proceeding of the kind described in clause (1) (b), shall forthwith notify the Commissioner of the fact.

(3) If the complaint concerns more than one police force, the Commissioner shall conduct the investigation.

Complaints
concerning
more than
one police
force

(4) When the Commissioner decides to conduct the investigation, he or she shall forthwith notify the chief of police, giving reasons in the case of a decision under clause (1) (a) or (c).

Notice

(5) When the Commissioner notifies the chief of police of a decision to conduct the investigation, the person in charge of the bureau shall forthwith end any investigation begun by the bureau and send to the Commissioner the evidence that has been gathered and the documents relating to the complaint.

Effect on
bureau

(6) Section 87 applies to the Commissioner's investigation, with necessary modifications, except that the Commissioner shall send the first interim report not more than thirty days after giving notice of the decision to conduct the investigation.

Manner of
conducting
investigation

89.—(1) If the complaint was made under section 78, the Commissioner shall conduct the investigation in accordance with the prescribed procedures, and section 87 does not apply.

Investigation
of complaint
made by
Commis-
sioner

(2) The Commissioner shall send the police officer and the chief of police interim reports on the investigation at monthly intervals.

Interim
reports

(3) The first interim report shall be sent not more than thirty days after the Commissioner makes the complaint.

Idem

(4) If there are no new matters to report, the Commissioner may send the police officer and the chief of police a notice to that effect instead of an interim report.

Exception

(5) The Commissioner may withhold an interim report from the police officer if, in his or her opinion, it is desirable to do so to avoid prejudicing the investigation, but in that case shall forthwith notify the chief of police of the decision and the reasons for it.

Idem

(6) When the investigation has been completed, the Commissioner shall cause a final report to be prepared and shall send copies of it to the chief of police and the police officer.

Final report

(7) The final report shall contain,

Contents

(a) a summary of the complaint, including a description of the police officer's alleged misconduct;

- (b) a summary of the investigation, including summaries of the information obtained from the police officer and any witnesses; and
- (c) a description and analysis of any physical evidence obtained.

DECISION BY CHIEF OF POLICE

Review of
final report

90.—(1) The chief of police shall review the final report of the investigation of a complaint and may order further investigation if he or she considers it advisable.

Results of
further
investigation

(2) A summary of the results of any further investigation shall be sent to the persons who received the final report, and to the Commissioner if he or she conducted the original investigation.

Decision

(3) After reviewing the final report and the results of any further investigation, the chief of police shall,

- (a) decide that no further action is necessary;
- (b) admonish the police officer regarding the matter in accordance with subsection 59 (1);
- (c) hold a disciplinary hearing under section 60;
- (d) order that all or part of the complaint be the subject of a hearing by a board of inquiry; or
- (e) cause an information to be laid against the police officer and refer the matter to the Crown Attorney for prosecution.

Idem

(4) If the chief of police decides to hold a disciplinary hearing under section 60 or orders a hearing by a board of inquiry, he or she may at the same time cause an information to be laid against the police officer.

Notice

(5) The chief of police shall give written notice of the decision to the Commissioner, the complainant and the police officer, with reasons in the case of a decision that no further action is necessary or a decision to admonish the police officer.

Idem

(6) If the chief of police orders a hearing by a board of inquiry, he or she shall also notify the chair appointed under subsection 103 (9).

(7) The chief of police shall give notice of the decision within six months of receiving the final report, unless the Commissioner grants an extension. Six-month time limit

(8) If the chief of police does not give notice of the decision within the six-month period and is not granted an extension, he or she shall be deemed to have decided that no further action is necessary. Deemed decision

REVIEW BY COMMISSIONER

91.—(1) The Commissioner shall review the decision of the chief of police, Review by Commissioner

- (a) at the complainant's or police officer's request, in the case of a decision under section 90 to admonish the police officer;
- (b) at the complainant's request, in the case of a decision under section 90 that no further action is necessary;
- (c) at the complainant's request, in the case of a decision under section 85 that the complaint or part of it not be further dealt with under this Part.

(2) The Commissioner may, if in his or her opinion it is in the public interest to do so, review the decision of the chief of police, Idem

- (a) in the case of a decision under section 90 to admonish the police officer;
- (b) in the case of a decision under section 90 that no further action is necessary;
- (c) in the case of a decision under section 85 that the complaint or part of it not be further dealt with under this Part.

(3) The Commissioner shall, at the complainant's request, review the decision made in a disciplinary hearing under section 60 arising out of a complaint. Idem

(4) The complainant or police officer may request a review by the Commissioner only within thirty days of receiving notice of the decision, unless the Commissioner grants an extension. Thirty-day limit

Complaint
made by
Commis-
sioner

(5) In the case of a complaint made under section 78, the Commissioner may review,

- (a) a decision by the chief of police to admonish the police officer;
- (b) a decision by the chief of police that no further action is necessary;
- (c) the decision made in a disciplinary hearing under section 60 arising out of the complaint.

Commis-
sioner's
decision

(6) After conducting the review, the Commissioner may decide to take no further action, or may order a hearing by a board of inquiry if he or she believes it to be necessary in the public interest.

Notice

(7) The Commissioner shall forthwith give written notice of his or her decision, with reasons in the case of a decision to take no further action, to the chief of police, the complainant and the police officer.

Idem

(8) If the Commissioner orders a hearing by a board of inquiry, he or she shall also notify the chair appointed under subsection 103 (9).

HEARING BY BOARD OF INQUIRY

Police
officer's
appeal to
board

92.—(1) If a penalty is imposed on a police officer after a disciplinary hearing under section 60 that was conducted as a result of the complaint, he or she may appeal to a board of inquiry by serving a notice of appeal on the Commissioner, the chair of the panel and the chief of police within fifteen days of receiving notice of the decision.

Notice to
complainant

(2) The Commissioner shall forthwith notify the complainant of the appeal.

Extension of
time for
appeal

(3) A member of the panel who was appointed on a recommendation made under subsection 103 (2) may grant an extension of the time provided for serving a notice of appeal, before or after the expiry of the time, and may give directions in connection with the extension.

Appeal to be
combined
with other
hearing

(4) The hearing of the police officer's appeal and any hearing ordered by the Commissioner under section 91 shall be combined.

Constitution
of board

93.—(1) A board of inquiry shall be constituted,

- (a) when the chief of police orders under section 90 that a matter be heard by a board of inquiry;
- (b) when the Commissioner orders a hearing under section 91; and
- (c) when a police officer appeals under section 92.

(2) The chair of the panel shall assign the following members of the panel to the board of inquiry, choosing members from the area where the complaint arose if possible:

Assignment
of members
to board

- 1. As presiding officer, a member who was appointed on a recommendation made under subsection 103 (2).
- 2. A member who was appointed on a recommendation made under subsection 103 (3).
- 3. A member who was appointed on a recommendation made under subsection 103 (4).

(3) In the case of a complaint against a chief of police, the board of inquiry shall include, instead of a member of the panel who was appointed on a recommendation made under subsection 103 (3), a person, other than a police officer or a member of the Law Society of Upper Canada, appointed to the board of inquiry by the chair of the panel on the recommendation of the Ontario Association of Chiefs of Police.

Complaint
against chief
of police

94.—(1) The hearing before the board of inquiry shall be a new hearing, unless it follows a disciplinary hearing under section 60; in that case it shall be on the record, but the board may receive new or additional evidence as it considers just.

New hearing,
exception

(2) If a board is constituted following a disciplinary hearing, the chief of police shall cause a record of the hearing to be prepared, at the Commissioner's expense if the Commissioner ordered the hearing before the board.

Record of
disciplinary
hearing

(3) The record shall include a transcript and shall be accompanied by the documents, physical evidence and exhibits considered at the disciplinary hearing.

Idem

95.—(1) The parties to a hearing are,

Parties

- (a) the complainant;
- (b) the police officer;

(c) the Commissioner; and

(d) the chief of police, in the case of an appeal by the police officer.

Idem

(2) The board of inquiry may add parties at any stage of the hearing on the conditions it considers proper.

Carriage

(3) In the case of a hearing ordered by the chief of police or by the Commissioner, the Commissioner has carriage of the matter and, in the case of an appeal by the police officer, the police officer has carriage.

Statement of
alleged
misconduct

(4) In the case of a hearing ordered by the chief of police or by the Commissioner, the chief of police or the Commissioner, as the case may be, shall provide the parties with a concise statement of the allegations of misconduct to be heard.

Notice of
hearing

96.—(1) The board of inquiry shall appoint a time for the hearing and notify the parties.

Examination
of evidence

(2) Before the hearing, the police officer and the complainant shall be given an opportunity to examine any physical or documentary evidence that will be produced or any report whose contents will be given in evidence at the hearing.

Recording of
evidence

(3) The oral evidence given at the hearing shall be recorded and copies or transcripts shall be provided on the same terms as in the Supreme Court of Ontario.

Application
of 1984,
c. 11, s. 146

(4) Section 146 of the *Courts of Justice Act, 1984* (photography at court hearing) applies with necessary modifications to the hearing.

Police officer
not required
to give
evidence
R.S.O. 1980,
c. 484

(5) Despite section 12 of the *Statutory Powers Procedure Act*, the police officer shall not be required to give evidence at the hearing.

Limited
admissibility
of certain
statements

(6) No statement made by the police officer or complainant in the course of an attempt to resolve the complaint informally shall be admitted in evidence at the hearing, except with the consent of the person who made the statement.

Board not to
communicate
in relation to
subject-
matter of
hearing

(7) The board of inquiry shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or party or party's counsel or representative, unless all parties receive notice and have an opportunity to participate.

(8) However, the board may seek legal advice from an adviser independent of the parties, and in that case the nature of the advice shall be communicated to the parties so that they may make submissions as to the law. Exception

(9) If it appears to be in the interests of justice, the board may direct that the board, the parties and their counsel or representatives shall have a view of any place or thing, and may adjourn the hearing for that purpose. Adjournment for view

(10) Within a reasonable time after the matter has been finally determined, documents and things put in evidence at the hearing shall, on request, be released to the person who produced them. Release of exhibits

(11) If the police officer is charged with an offence under a law of Canada or of a province or territory in connection with the misconduct or possible misconduct to which the complaint relates, the hearing shall continue unless the Crown Attorney advises the presiding officer that it should be stayed until the conclusion of the court proceedings. Stay

(12) No member of the board shall participate in a decision unless he or she was present throughout the hearing and heard the parties' evidence and argument; except with the parties' consent, no decision shall be given unless all the members so present participate in it. Only members at hearing to participate in decision

(13) The decision of a majority of the members of the board is the board's decision. Decision

97.—(1) If misconduct is proved at the hearing on clear and convincing evidence, the chief of police may make submissions as to penalty and the board of inquiry may, Penalties

- (a) dismiss the police officer from the police force;
- (b) direct that the police officer be dismissed in seven days unless he or she resigns before that time;
- (c) demote the police officer, specifying the manner and period of the demotion;
- (d) suspend the police officer without pay for a period not exceeding thirty days or 240 hours, as the case may be;
- (e) direct that the police officer forfeit not more than five days' or forty hours' pay, as the case may be; or

- (f) direct that the police officer forfeit not more than twenty days or 160 hours off, as the case may be.

Calculation (2) Penalties imposed under clauses (1) (d), (e) and (f) shall be calculated in terms of days if the police officer normally works eight hours a day or less and in terms of hours if he or she normally works more than eight hours a day.

Idem (3) Instead of or in addition to a penalty described in subsection (1), the board may reprimand the police officer.

Notice of decision (4) The board shall promptly give written notice of the decision, with reasons, to the parties and the Attorney General.

Appeal to Divisional Court **98.**—(1) A party to a hearing before a board of inquiry may appeal to the Divisional Court within thirty days of receiving notice of the board's decision.

Grounds for appeal (2) An appeal may be made on a question that is not a question of fact alone, or from a penalty, or both.

Attorney General (3) The Attorney General is entitled to be heard, by counsel or otherwise, on the argument of the appeal.

POLICE COMPLAINTS COMMISSIONER

Appointment of Commissioner **99.**—(1) The Lieutenant Governor in Council shall appoint a Police Complaints Commissioner, to hold office for a term not exceeding five years.

Reappointment (2) The Commissioner may be reappointed for a further term or terms not exceeding five years in each case.

Staff
R.S.O. 1980,
c. 418 (3) Such employees as are considered necessary for the purposes of this Part may be appointed under the *Public Service Act*.

Remuneration (4) The Commissioner shall be paid such remuneration and allowance for expenses as may be fixed by the Lieutenant Governor in Council.

Records (5) The Commissioner shall maintain copies of all records, reports and other materials received under this Part.

Monitoring handling of complaints (6) The Commissioner shall monitor the handling of complaints by bureaus and chiefs of police.

Local offices (7) The Commissioner may establish local offices.

- (8) Anything that is given to or served upon the Commissioner under this Part may be given or served at one of the local offices. Idem
- (9) The Commissioner shall report annually to the Attorney General. Annual report
- (10) The Commissioner's accounts shall be audited annually by the Provincial Auditor. Audit
- 100.**—(1) For the purposes of an investigation under section 88 or 89 or a review under section 91, the Commissioner may, if he or she has reasonable grounds to believe that it is necessary to do so in furtherance of the investigation or review, enter a police station after informing the chief of police and examine there documents and things related to the complaint. Powers on investigation or review
- (2) For the purposes of an investigation or review, the Commissioner has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the investigation or review as if it were an inquiry under that Act. Powers on inquiry
R.S.O. 1980, c. 411
- (3) The Commissioner may, in writing, appoint a person to make any investigation or review the Commissioner is authorized to make and the person has all the powers and duties of the Commissioner relating to the investigation and the review. Appointment of person to make investigation or review
- (4) The person shall be provided with a certificate of appointment containing his or her photograph, and while exercising any powers or performing any duties in respect of the investigation or review shall produce the certificate of appointment upon request. Identification
- (5) The person shall report the results of the investigation or review to the Commissioner. Report
- (6) No person shall obstruct the Commissioner or a person appointed under subsection (3) or withhold from the Commissioner or person or conceal or destroy any documents or things related to the investigation or review. Obstruction
- (7) If a justice of the peace is satisfied, on an application made without notice by the Commissioner or a person appointed under subsection (3), that there are reasonable grounds to believe that there are in any place documents or things relating to an investigation or review, the justice of the peace may make an order authorizing the applicant, together with such persons as he or she calls on for assistance, to enter

Search
warrant

the place, by force if necessary, search for the documents or things and examine them.

Entry and
search at
night
restricted

(8) The entry and search shall not be made between the hours of 9 p.m. and 6 a.m. unless the order so authorizes.

Removal of
books, etc.

(9) The Commissioner may, upon giving a receipt, remove any documents or things examined under subsection (1) or (7) relating to the investigation or review, shall cause them to be copied with reasonable dispatch and shall then return them promptly to the person from whom they were removed.

Admissibility
of copies

(10) A copy made as provided in subsection (9) and certified to be a true copy by the Commissioner is admissible in evidence in any proceeding and is proof, in the absence of evidence to the contrary, of the original document and its contents.

Appointment
of expert

(11) The Commissioner may appoint an expert to examine documents or things examined under subsection (1) or (7).

Recommendations
concerning
police
practices or
procedures

101.—(1) The Commissioner may make recommendations with respect to the practices or procedures of a police force by sending the recommendations, with any supporting documents, to,

(a) the Attorney General;

(b) the Solicitor General;

(c) the chief of police;

(d) the association, if any; and

(e) the police services board, in the case of a municipal police force.

Comments

(2) Within ninety days of receiving the recommendations, the chief of police, association and police services board shall send their comments to the Attorney General, the Solicitor General and the Commissioner.

Judicial
review of
Commissioner's
decisions

102. The Commissioner's decisions under subsection 83 (5) (complaint to continue to be dealt with despite informal resolution), subsection 84 (6) (complaint to continue to be dealt with despite withdrawal) and clause 88 (1) (c) (decision to conduct investigation because of undue delay) shall be deemed to be made in the exercise of a statutory power of decision.

BOARDS OF INQUIRY

- 103.**—(1) The Lieutenant Governor in Council shall appoint a panel of persons to act as members of boards of inquiry to conduct hearings in connection with complaints. Panel for boards of inquiry
- (2) One-third of the members of the panel shall be members of the Law Society of Upper Canada who are recommended for appointment by the Attorney General. Recommendations for appointment
- (3) One-third of the members of the panel shall be persons, other than police officers and members of the Law Society of Upper Canada, who are recommended for appointment by the Police Association of Ontario. Idem
- (4) One-third of the members of the panel shall be persons, other than police officers and members of the Law Society of Upper Canada, who are recommended for appointment by the Association of Municipalities of Ontario. Idem
- (5) The Attorney General may make the recommendations under subsection (3) or (4) if the Police Association of Ontario or the Association of Municipalities of Ontario, as the case may be, do not submit written recommendations to the Attorney General within the time that he or she specifies. Failure to make recommendations
- (6) Appointments to the panel shall be for a term not exceeding three years and a member may be reappointed for a further term or terms. Term
- (7) A member of the panel whose term expires without reappointment continues in office for the purpose of completing the work of a board to which he or she was assigned before the expiration of the term. Continuance in office for uncompleted assignments
- (8) The members of the panel shall be paid such remuneration and expenses as may be fixed by the Lieutenant Governor in Council. Remuneration
- (9) The Lieutenant Governor in Council shall appoint a person to be the chair of the panel. Chair
- (10) The chair shall cause to be prepared and published an annual summary of the decisions of boards, with reasons. Annual summary of decisions

GENERAL MATTERS

- 104.** No reference to a complaint, a hearing held under this Part or a disciplinary hearing conducted under section 60 as a result of the complaint shall be made in the police officer's employment record Police officer's employment record

cer's employment record, and the matter shall not be taken into account for any purpose related to his or her employment, unless,

- (a) the police officer is convicted of an offence in connection with the incident;
- (b) misconduct is proved on clear and convincing evidence at a hearing held under this Part or at a disciplinary hearing;
- (c) the chief of police admonishes the police officer in connection with the incident, in accordance with subsection 59 (1);
- (d) the police officer admits misconduct in the course of attempts to resolve the complaint informally; or
- (e) the police officer resigns before the complaint is finally disposed of.

Resignation
after hearing
ordered

105.—(1) This section applies to a police officer who resigns from the police force after a hearing is ordered under section 90 or 91.

Idem

(2) If the police officer resigns before a board of inquiry is constituted under section 93, the following rules apply:

- 1. No board of inquiry shall be constituted unless the police officer, within twelve months of the resignation, applies for employment with a police force or is employed by a police force.
- 2. In that case, the board acquires jurisdiction over the police officer despite the earlier resignation.

Idem

(3) If the police officer resigns after a board of inquiry is constituted, the following rules apply:

- 1. The board of inquiry loses jurisdiction over the police officer.
- 2. If the police officer, within twelve months of the resignation, applies for employment with a police force or is employed by a police force, the board's jurisdiction is revived.

Notice

106.—(1) A notice or other document required to be given or sent under this Part is sufficiently given if delivered

personally or sent by prepaid registered mail addressed to the person.

(2) Notice that is given by mail shall be deemed to be given on the fifth day after the day of mailing, unless the person to whom the notice is to be given establishes that he or she, acting in good faith, through absence, accident, illness or other cause beyond his or her control failed to receive the notice until a later date.

Notice by
mail

107.—(1) The chief of police may authorize any police officer of the rank of inspector or higher (from another police force if there is none in the chief's own police force) to exercise any power or perform any duty of the chief of police referred to in this Part.

Delegation
by chief of
police

(2) The Commissioner may authorize any member of his or her staff to exercise any power or perform any duty of the Commissioner referred to in this Part.

Delegation
by Commis-
sioner

108.—(1) This section applies to every person engaged in the administration of this Part, including a member of a police force.

Application
of section

(2) A person shall preserve secrecy in respect of all information obtained in the course of his or her duties and not contained in a record as defined in the *Freedom of Information and Protection of Privacy Act, 1987*, and shall not communicate such information to any other person except,

Confiden-
tiality,
exceptions
1987, c. 25

(a) in accordance with subsection (3);

(b) as may be required for law enforcement purposes;
or

(c) with the consent of the person, if any, to whom the information relates.

(3) A person may communicate information obtained in the course of his or her duties,

Permitted
disclosure

(a) as may be required in connection with the administration of this Act and the regulations; or

(b) to his or her counsel.

(4) No person shall be required to testify in a civil proceeding with regard to information obtained in the course of his or her duties, except at a hearing held under this Part or at a disciplinary hearing held under Part V.

Non-
compellability

Inadmissi-
bility of
documents

(5) No document prepared under this Part as the result of a complaint and no statement referred to in subsection 96 (6) (statements made during attempt at informal resolution) is admissible in a civil proceeding, except at a hearing held under this Part or at a disciplinary hearing held under Part V.

Non-
application of
R.S.O. 1980,
c. 325

109. The *Ombudsman Act* does not apply to anything done under this Part.

Agreement
for contri-
butions

110. The Attorney General may, with the approval of the Lieutenant Governor in Council, enter into an agreement with a municipality providing for its payment to the Treasurer of Ontario, on such conditions as may be agreed upon, of contributions in respect of the amounts required for the purposes of this Part.

Offence

111. A person who contravenes subsection 96 (4) (photography at hearing), 100 (6) (obstructing Commissioner) or 108 (2) (confidentiality) is guilty of an offence and on conviction is liable to a fine of not more than \$2,000.

Definition
1984, c. 63

112.—(1) In subsection (2), “former Act” means the *Metropolitan Toronto Police Force Complaints Act, 1984*.

Transition,
complaints
under former
Act

(2) Despite the repeal of the former Act by subsection 148 (1), complaints made under the former Act before the day this Act comes into force shall be dealt with in accordance with the former Act, except that hearings before boards of inquiry that are constituted after the day this Act comes into force shall be conducted in accordance with this Part.

PART VII

SPECIAL INVESTIGATIONS

Special
investigations
unit

113.—(1) There shall be a special investigations unit of the Ministry of the Solicitor General.

Composition

(2) The unit shall consist of a director appointed by the Lieutenant Governor in Council on the recommendation of the Solicitor General and investigators appointed under the *Public Service Act*.

R.S.O. 1980,
c. 418

Idem

(3) A person who is a police officer or former police officer shall not be appointed as director, and persons who are police officers shall not be appointed as investigators.

Peace officers

(4) The director and investigators are peace officers.

(5) The director may, on his or her own initiative, and shall, at the request of the Solicitor General or Attorney General, cause investigations to be conducted into the circumstances of serious injuries and deaths that may have resulted from criminal offences committed by police officers.

Investigations

(6) An investigator shall not participate in an investigation that relates to members of a police force of which he or she was a member.

Restriction

(7) If there are reasonable grounds to do so in his or her opinion, the director shall cause informations to be laid against police officers in connection with the matters investigated and shall refer them to the Crown Attorney for prosecution.

Charges

(8) The director shall report the results of investigations to the Attorney General.

Report

(9) Members of police forces shall co-operate fully with the members of the unit in the conduct of investigations.

Co-operation of police forces

PART VIII

LABOUR RELATIONS

114. In this Part,

Definitions

"Arbitration Commission" means the Ontario Police Arbitration Commission continued by subsection 131 (1);

"senior officer" means a member of a police force who has the rank of inspector or higher or is employed in a supervisory or confidential capacity.

115.—(1) This Part, except section 117, does not apply to the Ontario Provincial Police.

Exclusion of O.P.P.

(2) The working conditions and remuneration of the chief of police and deputy chief of police of a police force shall be determined under clause 31 (1) (d) (responsibilities of board) and not under this Part.

Exclusion of chief of police and deputy

116.—(1) If there is a dispute as to whether a person is a member of a police force or a senior officer, any affected person may apply to the Commission to hold a hearing and decide the matter.

Hearing re person's status

(2) The Commission's decision is final.

Decision final

Membership
in trade
union
prohibited,
exception

117. A member of a police force shall not become or remain a member of a trade union or of an organization that is affiliated directly or indirectly with a trade union, unless the membership is required for secondary activities that do not contravene section 49 and the chief of police consents.

Categories

118.—(1) If a majority of the members of a police force, or an association that is entitled to give notices of desire to bargain, assigns the members of the police force to different categories for the purposes of this Part, bargaining, conciliation and arbitration shall be carried on as if each category were a separate police force.

Senior
officers

(2) If at least 50 per cent of the senior officers of a police force belong to an association composed only of senior officers, bargaining, conciliation and arbitration shall be carried on as if the senior officers were a separate police force.

Restriction

(3) Bargaining, conciliation and arbitration may be carried on with more than two categories within a police force (apart from senior officers) only if the Commission has approved the creation of the categories.

Notice of
desire to
bargain

119.—(1) If no agreement exists or at any time after ninety days before an agreement would expire but for subsection 129 (1) or (2), a majority of the members of a police force may give the board notice in writing of their desire to bargain with a view to making an agreement, renewing the existing agreement, with or without modifications, or making a new agreement.

Bargaining

(2) Within fifteen days after the notice of desire to bargain is given or within the longer period that the parties agree upon, the board shall meet with a bargaining committee of the members of the police force.

Idem

(3) The parties shall bargain in good faith and make every reasonable effort to come to an agreement dealing with the remuneration, pensions, sick leave credit gratuities and grievance procedures of the members of the police force and, subject to section 126, their working conditions.

Filing of
agreement

(4) The board shall promptly file a copy of any agreement with the Arbitration Commission.

Association

(5) If at least 50 per cent of the members of the police force belong to an association, it shall give the notice of desire to bargain.

(6) If the notice of desire to bargain involves pensions under a pension plan established or to be established under the *Municipal Act*, it shall also be given to the Minister of Municipal Affairs, who may determine the maximum pension benefits that may be included in any agreement or award with respect to the pension plan.

Pension plans
under
R.S.O. 1980,
c. 302

120.—(1) The members of the bargaining committee shall be members of the police force.

Bargaining
committee

(2) One legal counsel and one other advisor for each of the bargaining committee and the board may participate in the bargaining sessions.

Counsel and
advisors

(3) If the notice of desire to bargain is given by an association that is affiliated with a police organization, or if at least 50 per cent of the members of the police force belong to a police organization, a member of the organization may attend the parties' bargaining sessions in an advisory capacity.

Police organi-
zation

(4) The chief of police or, if the parties consent, another person designated by the chief of police may also attend the parties' bargaining sessions in an advisory capacity.

Chief of
police

121.—(1) The Solicitor General shall appoint a conciliation officer, at a party's request, if a notice of desire to bargain has been given.

Appointment
of concil-
iation officer

(2) The conciliation officer shall confer with the parties and endeavour to effect an agreement and shall, within fourteen days after being appointed, make a written report of the results to the Solicitor General.

Duty of
conciliation
officer

(3) The fourteen-day period may be extended if the parties agree or if the Solicitor General extends it on the advice of the conciliation officer that an agreement may be made within a reasonable time if the period is extended.

Extension of
time

(4) When the conciliation officer reports to the Solicitor General that an agreement has been reached or that an agreement cannot be reached, the Solicitor General shall promptly inform the parties of the report.

Report

(5) Neither party shall give a notice requiring matters in dispute to be referred for arbitration under section 122 until the Solicitor General has informed the parties of the conciliation officer's report or informed them that he or she does not consider the case appropriate for the appointment of a conciliation officer.

No
arbitration
during concil-
iation

Arbitration

122.—(1) If matters remain in dispute after bargaining under section 119 and conciliation, if any, under section 121, a party may give the Solicitor General and the other party a written notice referring the matters to arbitration.

Composition
of arbitration
board

(2) The following rules apply to the composition of the arbitration board:

1. The parties shall determine whether it shall consist of one person or of three persons. If they are unable to agree on this matter, or if they agree that the arbitration board shall consist of three persons but one of the parties then fails to appoint a person in accordance with the agreement, the arbitration board shall consist of one person.
2. If the arbitration board is to consist of one person, the parties shall appoint him or her jointly. If they are unable to agree on a joint appointment, the person shall be appointed by the Solicitor General.
3. If the arbitration board is to consist of three persons, the parties shall each appoint one person and shall jointly appoint a chair. If they are unable to agree on a joint appointment, the chair shall be appointed by the Solicitor General.

Time for
arbitration

(3) The arbitration board shall commence the arbitration within thirty days after being appointed, in the case of a one-person board, or within thirty days after the appointment of the chair, in the case of a three-person board, and shall deliver its decision or award within sixty days after commencing the arbitration.

Represent-
ations by
council

(4) The municipal council may make representations before the arbitration board if it is authorized to do so by a resolution.

Criteria

(5) In making an award, the arbitration board shall take into account the interest and welfare of the community served by the police force as well as any local factors affecting the community.

Filing of
award

(6) The arbitration board shall promptly file a copy of its decision or award with the Arbitration Commission.

Costs and
expenses

(7) The following rules apply with respect to the costs and expenses of the arbitration:

1. The Arbitration Commission shall pay the fees of any person the Solicitor General appoints to the arbitration board.
2. Each party shall pay its own costs incurred in the arbitration, including the fees of any person it appoints to the arbitration board.
3. The parties shall share equally the costs and expenses for matters shared in common, including the fees of any person whom they jointly appoint to the arbitration board.

123.—(1) The Solicitor General shall appoint a conciliation officer, at a party's request, if a difference arises between the parties concerning an agreement or an arbitrator's decision or award made under this Part, or if it is alleged that an agreement or award has been violated.

Dispute,
appointment
of concil-
iation officer

(2) The conciliation officer shall confer with the parties and endeavour to resolve the dispute and shall, within fourteen days after being appointed, make a written report of the results to the Solicitor General.

Duty of
conciliation
officer

(3) The fourteen-day period may be extended if the parties agree or if the Solicitor General extends it on the advice of the conciliation officer that the dispute may be resolved within a reasonable time if the period is extended.

Extension of
time

(4) When the conciliation officer reports to the Solicitor General that the dispute has been resolved or that it cannot be resolved by conciliation, the Solicitor General shall promptly inform the parties of the report.

Report

(5) Neither party shall give a notice referring the dispute for arbitration until the Solicitor General has informed the parties of the conciliation officer's report.

No
arbitration
during concil-
iation

124.—(1) If the conciliation officer reports that the dispute cannot be resolved by conciliation, either party may give the Solicitor General and the other party a written notice referring the dispute to arbitration.

Arbitration
after concil-
iation fails

(2) The procedure provided by subsection (1) is available in addition to any grievance or arbitration procedure provided by the agreement, decision or award.

Idem

(3) The following rules apply to the composition of the arbitration board:

Composition
of arbitration
board

1. The parties shall determine whether it shall consist of one person or of three persons. If they are unable to agree on this matter, or if they agree that the arbitration board shall consist of three persons but one of the parties then fails to appoint a person in accordance with the agreement, the arbitration board shall consist of one person.
2. If the arbitration board is to consist of one person, the parties shall appoint him or her jointly. If they are unable to agree on a joint appointment, the person shall be appointed by the Solicitor General.
3. If the arbitration board is to consist of three persons, the parties shall each appoint one person and shall jointly appoint a chair. If they are unable to agree on a joint appointment, the chair shall be appointed by the Solicitor General.

Time for
arbitration

(4) The arbitration board shall commence the arbitration within thirty days after being appointed, in the case of a one-person board, or within thirty days after the appointment of the chair, in the case of a three-person board, and shall deliver a decision within a reasonable time.

Filing of
decision

(5) The arbitration board shall promptly file a copy of its decision with the Arbitration Commission.

Costs and
expenses

(6) The following rules apply with respect to the costs and expenses of the arbitration:

1. The Arbitration Commission shall pay the fees of any person the Solicitor General appoints to the arbitration board.
2. Each party shall pay its own costs incurred in the arbitration, including the fees of any person it appoints to the arbitration board.
3. The parties shall share equally the costs and expenses for matters shared in common, including the fees of any person whom they jointly appoint to the arbitration board.

Enforcement

(7) After the day that is thirty days after the delivery of the decision or after the day that the decision provides for compliance, whichever is later, the arbitration board may, of its own motion, and shall, at a party's request, file a copy of the decision, in the prescribed form, in the office of the Registrar of the Supreme Court.

(8) The decision shall be entered in the same way as a judgment of the Supreme Court and may be enforced as such.

Idem

125. The parties may agree to extend any period of time mentioned in this Part.

Extension of time

126. Agreements and awards made under this Part do not affect the working conditions of the members of the police force in so far as those working conditions are determined by sections 42 to 49, subsection 50 (3) and Parts V, VI and VII of this Act and by the regulations.

Restriction

127. The *Arbitrations Act* does not apply to arbitrations conducted under this Part.

Non-application of R.S.O. 1980, c. 25

128. Agreements, decisions and awards made under this Part bind the board and the members of the police force.

Agreements, decisions and awards binding

129.—(1) Agreements, decisions and awards remain in effect until the end of the year in which they come into effect and thereafter continue in effect until replaced.

Duration of agreements, decisions and awards

(2) The parties to an agreement may provide that the agreement and any decisions or awards made with respect to it shall remain in effect until the end of the year following the year in which they come into effect and thereafter shall continue in effect until replaced.

Longer duration if parties agree

130.—(1) If, when the council is adopting its annual estimates, a notice of desire to bargain has been given but there is not yet an agreement, decision or award, the council shall make such provision for the payment of expenditures that will result from the expected agreement, decision or award as it considers adequate.

Provision for expenditures

(2) An agreement, decision or award comes into effect on the first day of the fiscal period in respect of which the municipal council may make provision for it in its estimates, whether that day is before or after the agreement, decision or award is made.

Coming into effect

(3) A provision of the agreement, decision or award that does not involve municipal expenditures may come into effect earlier than the day referred to in subsection (2).

Exception

131.—(1) The commission known as the Ontario Police Arbitration Commission is continued.

Arbitration Commission continued

Composition

(2) The Arbitration Commission shall be composed of the following members, appointed by the Lieutenant Governor in Council:

1. Two representatives of boards, recommended for appointment by the Municipal Police Authorities.
2. Two representatives of members of associations, recommended for appointment by the Police Association of Ontario.
3. A chair.

Terms of office

(3) The representatives of boards and members of associations shall hold office for two-year terms and may be re-appointed; the chair shall hold office during pleasure.

Staff

(4) Such employees as are necessary for the proper conduct of the Arbitration Commission's work may be appointed under the *Public Service Act*.

R.S.O. 1980,
c. 418

Responsibilities of Arbitration Commission

(5) The Arbitration Commission has the following responsibilities:

1. Maintaining a register of arbitrators who are available for appointment.
2. Assisting arbitrators by making administrative arrangements in connection with arbitrations.
3. Fixing the fees of arbitrators appointed by the Solicitor General under section 124.
4. Sponsoring the publication and distribution of information about agreements, arbitrations and awards.
5. Sponsoring research on the subject of agreements, arbitrations and awards.
6. Maintaining a file of agreements, decisions and awards made under this Part.

Regulations

(6) Subject to the approval of the Lieutenant Governor in Council, the Arbitration Commission may make regulations,

- (a) governing the conduct of arbitrations and prescribing procedures for them;
- (b) prescribing forms and providing for their use.

(7) The persons who are members of the Arbitration Commission on the day this Act comes into force shall continue to hold office until their terms expire, and may be reappointed in accordance with subsection (2).

Transition

PART IX

REGULATIONS AND MISCELLANEOUS

132.—(1) This section applies to personal property of all kinds, except firearms and money, that comes into the possession of a police force under either of the following circumstances:

Property in possession of police force

1. The property was stolen from its owner or was found abandoned in a public place, and the chief of police is unable to determine who owns it.
2. The property was seized by a member of the police force in the lawful execution of his or her duties, all legal proceedings in respect of the property have been completed, there is no court order for its disposition and there is no legal requirement, apart from this section, that it be retained or disposed of.

(2) The chief of police may cause the property to be sold, and the board may use the proceeds for any purpose that it considers in the public interest.

Sale

(3) If the property is perishable, it may be sold at any time without notice.

Perishable property

(4) If the property is not perishable, the following rules apply to its sale:

Non-perishable property

1. The property may be sold when it has been in the possession of the police force for at least one month, in the case of a motor vehicle as defined in the *Highway Traffic Act* or a bicycle, or for at least three months, in the case of other property.
 2. The sale shall be by public auction.
 3. At least ten days notice of the time and place of the public auction shall be given by publication in a newspaper of general circulation in the municipality.
 4. The sale may be adjourned, repeatedly if necessary, until the property is sold.
- R.S.O. 1980, c. 198

Claim of
owner of
property

(5) If a motor vehicle, bicycle or other property has been sold before it has been in the possession of the police force for three months and if the owner makes a claim before that time, the owner is entitled to receive the proceeds, less the costs of storage, advertising and sale.

Register of
property

(6) The chief of police shall ensure that the police force keeps a register of property and that the following rules are followed:

1. The description and location of every item of property shall be recorded.
2. If the property is sold, full particulars shall be recorded.
3. If the property is returned to its owner, his or her name, address and telephone number shall be recorded.

Exception

R.S.O. 1980,
c. 198

(7) This section does not apply to a motor vehicle that is impounded under section 192 of the *Highway Traffic Act*.

Money

133.—(1) This section applies to money that comes into the possession of a police force under the circumstances described in paragraph 1 or 2 of subsection 132 (1).

Accounting

(2) The money shall be accounted for according to the prescribed method.

Use of
money

(3) If three months have elapsed after the day the money came into the possession of the police force and the owner has not claimed it, the board may use it for any purpose that it considers in the public interest.

Firearms

134.—(1) This section applies to firearms that are in the possession of a police force because they have been found, turned in or seized.

Safe-keeping,
return to
owner

(2) The chief of police shall ensure that firearms are securely stored, and that they are returned to their owners if there is a court order or other legal requirement to that effect.

Destruction

(3) If all possible court proceedings relating to a firearm have been completed or the time for them has expired and there is no court order or other legal requirement governing how the firearm is to be dealt with, the chief of police shall ensure that it is destroyed promptly, unless subsection (4) applies.

(4) If the chief of police considers the firearm unique, an antique, or of educational or historical value, he or she shall notify the Director of the Centre of Forensic Sciences.

Firearm of
special
interest

(5) If the Director indicates, within three months of receiving notice, that the firearm is required for the Centre's collection, the chief of police shall ensure that it is transferred there.

Idem

(6) If the Director indicates that the firearm is not required for the Centre's collection or fails to respond within three months of receiving notice, the chief of police shall ensure that the firearm is destroyed promptly.

Idem

(7) The chief of police may dispose of a firearm to which subsection (6) applies otherwise than by having it destroyed if he or she first obtains the Solicitor General's approval of the method of disposal.

Disposal
otherwise
than by
destruction

(8) The chief of police shall ensure that the police force keeps a register of firearms and that the following rules are followed:

Register of
firearms

1. Every firearm's description and location shall be recorded.
2. When a firearm ceases to be in the possession of the board or of a member of the police force, full particulars shall be recorded, including the name of the person who disposed of it and the date and method of disposal.
3. If the firearm is returned to its owner, his or her name, address and telephone number shall also be recorded.
4. On or before the 31st day of January in each year, a statement shall be filed with the Commission listing the firearms that have come into the possession of the police force during the preceding calendar year, indicating which firearms are still being retained and which have been disposed of, and giving the particulars of disposition.

135.—(1) The Lieutenant Governor in Council may make regulations,

Regulations

1. prescribing standards for police services;

2. prescribing procedures for the inspection and review by the Solicitor General of police forces;
3. requiring municipalities to provide police detention facilities, governing those facilities and providing for their inspection;
4. providing for financial aid to police training schools;
5. prescribing the minimum amount of remuneration to be paid by municipalities to the members of boards who are appointed by the Lieutenant Governor in Council or Solicitor General;
6. prescribing the procedures to be followed by boards and the places at which their meetings shall be held;
7. prescribing the forms of oaths or affirmations of office and secrecy for the purposes of section 32 (members of boards), section 45 (police officers), subsection 52 (6) (auxiliary members of police forces), subsection 53 (9) (special constables) and subsection 54 (8) (First Nations Constables);
8. respecting the government, operation and administration of police forces;
9. governing the qualifications for the appointment of persons to police forces and for their promotion;
10. prescribing groups of persons for the purposes of subsection 48 (1) (employment equity plans);
11. prescribing matters to be contained in employment equity plans;
12. respecting the political activities in which municipal police officers are permitted to engage;
13. establishing the ranks that shall be held by members of municipal police forces;
14. prescribing the minimum salary or other remuneration and allowances to be paid to members of municipal police forces;
15. regulating or prohibiting the use of any equipment by a police force or any of its members;

16. regulating the use of force by members of police forces;
17. prescribing standards of dress for police officers on duty and prescribing requirements respecting police uniforms;
18. prescribing courses of training for members of police forces and prescribing standards in that connection;
19. governing the conduct, duties, suspension and dismissal of members of police forces;
20. describing the circumstances under which members of police forces are permitted and not permitted to pursue persons by means of motor vehicles, and prescribing procedures that shall be followed when a person is pursued in that manner;
21. prescribing the records, returns, books and accounts to be kept by police forces and their members;
22. prescribing the method of accounting for fees and costs that come into the hands of members of police forces;
23. prescribing a code of conduct in which offences constituting misconduct are described for the purposes of section 56;
24. providing for the payment of fees and expenses to witnesses at hearings conducted under Part V or VI;
25. prescribing procedures for the investigation of complaints under Part VI;
26. assigning further duties to the Police Complaints Commissioner;
27. prescribing the method of accounting for money to which section 133 applies;
28. prescribing forms and providing for their use;
29. prescribing any matter that this Act requires to be prescribed or refers to as being prescribed;
30. respecting any matter that is necessary or advisable to implement this Act effectively.

Idem (2) A regulation made under subsection (1) may be general or particular in its application.

Crown bound **136.** This Act binds the Crown in right of Ontario.

PART X

CONSEQUENTIAL AMENDMENTS AND REPEALS

137. Section 66 of the *District Municipality of Muskoka Act*, being chapter 121 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Non-application of 1990, c. 10

66.—(1) The *Police Services Act, 1990*, being chapter 10, except section 15 (municipal by-law enforcement officers), does not apply to the District Corporation or to an area municipality.

Non-application of R.S.O. 1980, c. 302, ss. 202, 203

(2) Sections 202 and 203 of the *Municipal Act* do not apply to an area municipality.

138.—(1) Section 174 of the *Municipality of Metropolitan Toronto Act*, being chapter 314 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Definition

174. In this Part, “Metropolitan Board” means The Municipality of Metropolitan Toronto Police Services Board.

(2) Subsections 175 (1) and (2) of the said Act are repealed.

(3) Subsection 177 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 56, section 10 and amended by 1988, chapter 12, section 1, is repealed and the following substituted therefor:

Composition of Metropolitan Board 1990, c. 10

(1) The Metropolitan Council shall be deemed to have applied to the Lieutenant Governor in Council for an increase in the size of its board under subsection 27 (9) of the *Police Services Act, 1990* and the Lieutenant Governor in Council shall be deemed to have approved the application.

(4) Section 178 of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 56, section 10, is repealed.

139.—(1) Section 73 of the *Regional Municipality of Durham Act*, being chapter 434 of the Revised Statutes of Ontario 1980, is repealed and the following substituted therefor:

73. In this Part, “Durham Police Board” means The Regional Municipality of Durham Police Services Board. Definition

(2) Section 74 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 56, section 1, is repealed.

(3) Subsection 75 (1) of the said Act is repealed and the following substituted therefor:

(1) The Durham Police Board and the members of the Durham Regional Police Force have the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation. By-law enforcement

140.—(1) Section 68 of the *Regional Municipality of Haldimand-Norfolk Act*, being chapter 435 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

68. In this Part, “Haldimand-Norfolk Police Board” means The Regional Municipality of Haldimand-Norfolk Police Services Board. Definition

(2) Section 69 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 56, section 2, is repealed.

(3) Subsections 70 (1), (2) and (3) of the said Act are repealed and the following substituted therefor:

(1) The Haldimand-Norfolk Police Board and the members of the Haldimand-Norfolk Regional Police Force have the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation. By-law enforcement

(2) Despite subsection 31 (1) of the *Police Services Act*, 1990, the Haldimand-Norfolk Police Board is responsible for providing police services only for those portions of the Regional Area in which a local municipality maintained a police force on the 31st day of March, 1974. Jurisdiction
1990, c. 10

(3) With the Solicitor General’s approval, the Haldimand-Norfolk Police Board may assume responsibility for providing police services for additional portions of the Regional Area. Idem

141.—(1) Section 79 of the *Regional Municipality of Halton Act*, being chapter 436 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Definition

79. In this Part, "Halton Police Board" means The Regional Municipality of Halton Police Services Board.

(2) Section 80 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 56, section 3, is repealed.

(3) Subsection 81 (1) of the said Act is repealed and the following substituted therefor:

By-law enforcement

(1) The Halton Police Board and the members of the Halton Regional Police Force have the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

142.—(1) Section 90 of the *Regional Municipality of Hamilton-Wentworth Act*, being chapter 437 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Definition

90. In this Part, "Hamilton-Wentworth Police Board" means The Regional Municipality of Hamilton-Wentworth Police Services Board.

(2) Section 91 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 56, section 4, is repealed.

(3) Subsection 92 (1) of the said Act is repealed and the following substituted therefor:

By-law enforcement

(1) The Hamilton-Wentworth Police Board and the members of the Hamilton-Wentworth Police Force have the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

143.—(1) Section 116 of the *Regional Municipality of Niagara Act*, being chapter 438 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Definition

116. In this Part, "Niagara Police Board" means The Regional Municipality of Niagara Police Services Board.

(2) Section 117 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 56, section 5, is repealed.

(3) Subsection 118 (1) of the said Act is repealed and the following substituted therefor:

By-law enforcement

(1) The Niagara Police Board and the members of the Niagara Regional Police Force have the same duties with

respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

144.—(1) Section 74 of the *Regional Municipality of Peel Act*, being chapter 440 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

74. In this Part, “Peel Police Board” means The Regional Municipality of Peel Police Services Board. Definition

(2) Section 75 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 56, section 6, is repealed.

(3) Subsection 76 (1) of the said Act is repealed and the following substituted therefor:

(1) The Peel Police Board and the members of the Peel Regional Police Force have the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation. By-law enforcement

145.—(1) Section 38 of the *Regional Municipality of Sudbury Act*, being chapter 441 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

38. In this Part, “Sudbury Police Board” means The Regional Municipality of Sudbury Police Services Board. Definition

(2) Section 39 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 57, section 7, is repealed.

(3) Subsection 40 (1) of the said Act is repealed and the following substituted therefor:

(1) The Sudbury Police Board and the members of the Sudbury Regional Police Force have the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation. By-law enforcement

146.—(1) Section 109 of the *Regional Municipality of Waterloo Act*, being chapter 442 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

109. In this Part, “Waterloo Police Board” means The Regional Municipality of Waterloo Police Services Board. Definition

(2) Section 110 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 56, section 8, is repealed.

(3) Subsection 111 (1) of the said Act is repealed and the following substituted therefor:

By-law
enforcement

(1) The Waterloo Police Board and the members of the Waterloo Regional Police Force have the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

147.—(1) Section 111 of the *Regional Municipality of York Act*, being chapter 443 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Definition

111. In this Part, “York Police Board” means The Regional Municipality of York Police Services Board.

(2) Section 112 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 56, section 9, is repealed.

(3) Subsection 113 (1) of the said Act is repealed and the following substituted therefor:

By-law
enforcement

(1) The York Police Board and the members of the York Regional Police Force have the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation.

148.—(1) The following are repealed:

1. The *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, except section 57a, as enacted by the Statutes of Ontario, 1989, chapter 24, section 1.
2. The *Police Amendment Act, 1981*, being chapter 55.
3. The *Police Amendment Act, 1983*, being chapter 57.
4. Section 201 of the *Courts of Justice Act, 1984*, being chapter 11.
5. Section 53 of the *Equality Rights Statute Law Amendment Act, 1986*, being chapter 64.
6. The *Metropolitan Toronto Police Force Complaint Act, 1984*, being chapter 63.
7. The *Metropolitan Toronto Police Force Complaint Amendment Act, 1986*, being chapter 31.

(2) The title of the *Police Act* is repealed and the following substituted therefor:

COURT SECURITY ACT

(3) Section 57a of the *Court Security Act* is amended by striking out "or council" in the first line.

149. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

150. The short title of this Act is the *Police Services Act*, Short title
1990.

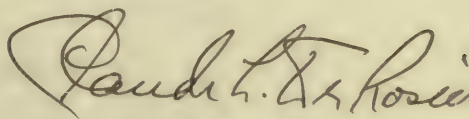
Bill 108

(Chapter 5
Statutes of Ontario, 1990)

An Act respecting Business Names

The Hon. G. Sorbara

Minister of Consumer and Commercial Relations



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	December 20th, 1989
<i>2nd Reading</i>	June 4th, 1990
<i>3rd Reading</i>	June 18th, 1990
<i>Royal Assent</i>	June 21st, 1990

Bill 108

1989

An Act respecting Business Names

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“business” includes every trade, occupation, profession, service or venture carried on with a view to profit;

“corporation” means a corporation wherever or however incorporated;

“Minister” means the Minister of Consumer and Commercial Relations;

“Ministry” means the Ministry of the Minister;

“person” includes an individual, sole proprietorship, unincorporated association, unincorporated syndicate, unincorporated organization, trust, body corporate, and an individual in his or her capacity as trustee, executor, administrator or other legal representative;

“prescribed” means prescribed by the regulations;

“Registrar” means the Registrar appointed under section 3;

“registered” means registered under this Act;

“regulations” means the regulations made under this Act.

2.—(1) No corporation shall carry on business or identify itself to the public under a name other than its corporate name unless the name is registered by that corporation.

Registering
name

(2) No individual shall carry on business or identify his or her business to the public under a name other than his or her own name unless the name is registered by that individual.

Idem

- Idem (3) No persons associated in partnership shall carry on business or identify themselves to the public, except as a limited partnership carrying on business in accordance with the *Limited Partnerships Act*, unless the name of the partnership is registered by all of the partners.
- R.S.O. 1980, c. 241
- Exception (4) Subsection (3) does not apply to prohibit persons associated in partnership from carrying on business or identifying themselves to the public under a name that is composed of the names of the partners.
- Idem (5) This section does not apply to prohibit the use of a name that contains characters from an alphabet other than the Roman alphabet if the name is used in conjunction with the registered name.
- Name to be set out (6) A corporation and such other persons as are prescribed carrying on business under a registered name or, in the case of a corporation, identifying itself to the public under a registered name, shall set out both the registered name as well as the person's name in all contracts, invoices, negotiable instruments and orders involving goods or services issued or made by the person.
- Registrar **3.—**(1) The Minister shall appoint a public servant in the Ministry as the Registrar.
- Delegation of powers (2) The Registrar may delegate any of the duties or powers of the Registrar to any public servant in the Ministry.
- Records (3) The Registrar shall maintain a record of every registration made under this Act or filed under the *Limited Partnerships Act*.
- Available to the public (4) Any person is entitled to examine, during normal business hours, the records maintained by the Registrar.
- Registration **4.—**(1) Subject to subsections (2) and (3), any person, upon paying the prescribed fee, may register a name under this Act for a term of five years.
- Idem (2) The Registrar shall not accept for registration a name that does not comply with the prescribed requirements.
- Idem (3) Only letters from the Roman alphabet, Arabic numerals or a combination of letters from the Roman alphabet and Arabic numerals together with punctuation marks and such other marks as are prescribed may form part of a registered name.

(4) If there is a change in information set out in a registration, the registrant shall register, in the prescribed form within fifteen days after the change, an amended registration showing the change. Changes

(5) If the Registrar has grounds to believe that information registered is not correct or current, he or she may give notice to the registrant requiring that the information be corrected or updated within the time specified in the notice. Correcting information

(6) A registrant receiving a notice under subsection (5) shall comply with the request in the notice or provide evidence to the Registrar that the information registered is correct or current, as the case may be. Idem

(7) The Registrar shall cancel a registration, Cancelling registration

(a) if a name was accepted for registration that does not comply with the prescribed requirements; or

(b) if the registrant requests the cancellation.

(8) The Registrar may cancel a registration if the registrant is given a notice under subsection (5) and does not comply with subsection (6). Idem

(9) The Registrar shall indicate, on the record, every cancellation under subsection (7) or (8). Entering cancellation

(10) Before cancelling a registration other than on the request of the registrant or pursuant to a Court order, the Registrar shall give the registrant twenty-one days notice of the intention to cancel. Notice of cancellation

(11) A person whose application to register a name is refused may appeal to the Divisional Court within twenty-one days after the day of the refusal. Appeal

(12) A registrant who receives a notice under subsection (10) may appeal to the Divisional Court within twenty-one days after receipt of the notice. Idem

(13) If a notice under subsection (10) is under appeal, the Registrar shall not cancel the registration unless a final determination is made upholding the Registrar's decision. Idem

5.—(1) A registrant is entitled to renew a registration before it expires upon paying the prescribed fee. Renewal of registration

Late renewal (2) A registrant is entitled to renew a registration within sixty days after it expires upon paying the prescribed fee for late renewal.

Effective date (3) A renewal made under subsection (1) or (2) is effective on the day immediately following the expiration day of the registration being renewed.

Liability for damages **6.**—(1) A person who suffers damages by reason of the registration of a name that is the same as or deceptively similar to another person's registered name is entitled to recover compensation from the registrant for damages suffered because of the registration.

Idem (2) For the purposes of subsection (1), the compensation is limited to the greater of \$500 and the actual amount of damages incurred.

Cancelling registration (3) In giving a judgment for a plaintiff in an action brought under subsection (1), the court shall order the Registrar to cancel the registration that was the cause of the action.

Ability to sue **7.**—(1) A person carrying on business in contravention of subsection 2 (1), (2) or (3) or subsection 4 (4) or (6) is not capable of maintaining a proceeding in a court in Ontario in connection with that business except with leave of the court.

Idem (2) The court shall grant leave if the person seeking to maintain the proceeding satisfies the court that,

- (a) the failure to register was inadvertent;
- (b) there is no evidence that the public has been deceived or misled; and
- (c) at the time of the application to the court, the person is not in contravention of this Act or the regulations.

Contracts valid (3) No contract is void or voidable by reason only that it was entered into by a person who was in contravention of this Act or the regulations at the time the contract was made.

Certified copies **8.**—(1) Upon payment of the prescribed fee, the Registrar shall issue to any person applying therefor,

- (a) a certified copy of the record with respect to any name registered; or
- (b) if a name is not registered, a certificate so stating.

(2) A certified copy or a certificate issued under this section is admissible in evidence in all courts as proof, in the absence of evidence to the contrary, of the contents of the document or of the non-registration of a name, as the case may be, without proof of the appointment or signature of the Registrar. Idem

(3) For the purpose of this section, the signature of the Registrar may be printed or otherwise mechanically or electronically reproduced. Idem

9.—(1) Records prepared and maintained by the Registrar may be in bound or loose-leaf form or in a photographic film form or may be entered or recorded by any system of mechanical or electronic data processing or by any other information storage device that is capable of reproducing any required information in an accurate and intelligible form within a reasonable time. Form of records

(2) If records maintained by the Registrar are prepared and maintained otherwise than in written form, the Registrar shall furnish any copy required to be furnished in intelligible written form. Idem

(3) A report reproduced from records prepared and maintained otherwise than in written form that purports to be certified by the Registrar is, without proof of the Registrar's office or signature, admissible in evidence to the same extent as the original written records would have been. Idem

(4) The Registrar is not required to produce the original of a document if a copy is furnished in compliance with subsection (2). Copies

(5) For the purpose of this section, a document is a copy of an original if it contains all the information contained in the original. Idem

10.—(1) Every person who, without reasonable cause, contravenes section 2 or subsection 4 (4) or (6) or submits a statement in an application for a registration under this Act that is false or misleading with respect to any material fact is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or, if the person is a corporation, to a fine of not more than \$25,000. Offence

(2) If a corporation is guilty of an offence under subsection (1), every director or officer of the corporation and every person acting as its representative in Ontario who authorized, permitted or acquiesced in such an offence is also guilty of an Idem

offence and on conviction is liable to a fine of not more than \$2,000.

Regulations

11. The Lieutenant Governor in Council may make regulations,

- (a) prescribing information to be contained in a registration;
- (b) prescribing the duties of the Registrar;
- (c) requiring the payment of fees and fees for late registration and prescribing the amounts thereof;
- (d) prescribing forms and providing for their use;
- (e) exempting any class of person or business from the application of section 2, or any provision in the regulations, and prescribing conditions for any such exemption;
- (f) prescribing and prohibiting the use of connotations, suggestions, words, expressions or phrases in a name shown in a registration;
- (g) governing the custody and destruction of registrations and certificates;
- (h) prescribing fees to be charged for searches and copies of documents or information;
- (i) prescribing any matter required or permitted by this Act to be prescribed.

12. The *Partnerships Registration Act*, being chapter 371 of the Revised Statutes of Ontario, 1980, is repealed.

13.—(1) Section 2 of the *Corporations Information Act*, being chapter 96 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 23, section 1 and 1984, chapter 3, section 2, is repealed.

(2) Subsection 7 (1) of the said Act is amended by striking out "2" in the third line.

(3) Subsection 7 (2) of the said Act is amended by striking out "2" in the third line.

(4) Clauses 15 (a), 18 (b) and (c) of the said Act are repealed.

14.—(1) Clause 1 (e) of the *Limited Partnerships Act*, being chapter 241 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(e) "Registrar" means the Registrar appointed under the *Business Names Act, 1990*.

1990, c. 5

(2) Subsections 3 (5) and (6) of the said Act are repealed.

15.—(1) A name or designation that is stated in a declaration or a renewal thereof filed under section 1 or 9 of the *Partnerships Registration Act* shall be deemed to be registered under and in accordance with this Act and the regulations.

Transition

R.S.O. 1980,
c. 371

(2) A registration of a name or style or a renewal thereof that is filed under section 2 of the *Corporations Information Act* shall be deemed to be a registration under and in accordance with this Act and the regulations.

Idem

R.S.O. 1980,
c. 96

16. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment

17. The short title of this Act is the *Business Names Act, 1990*.

Short title

Bill 109

(Chapter 93
Statutes of Ontario, 1989)

**An Act to authorize the
payment of
certain amounts for the
Public Service for the
fiscal year ending on the
31st day of March, 1990**

The Hon. R. Nixon
*Treasurer of Ontario and
Minister of Economics*

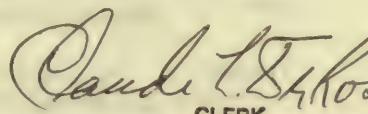
1st Reading	December 20th, 1989
2nd Reading	December 20th, 1989
3rd Reading	December 20th, 1989
Royal Assent	December 20th, 1989

Projet de loi 109

(Chapitre 93
Lois de l'Ontario de 1989)

**Loi autorisant le
paiement de certaines sommes
destinées à la
fonction publique pour
l'exercice se terminant le
31 mars 1990**

L'honorable R. Nixon
*Trésorier de l'Ontario et
ministre de l'Économie*


CLERK
LEGISLATIVE ASSEMBLY

1 ^{re} lecture	20 décembre 1989
2 ^e lecture	20 décembre 1989
3 ^e lecture	20 décembre 1989
sanction royale	20 décembre 1989

Bill 109**1989**

**An Act to authorize the payment of
certain amounts for the Public Service for the
fiscal year ending on the 31st day of March, 1990**

Whereas messages from the Honourable Lincoln Alexander, Lieutenant Governor of the Province of Ontario, accompanied by estimates and supplementary estimates, indicate that the amounts mentioned in the Schedule are required to pay expenses of the public service of Ontario that are not otherwise provided for, for the fiscal year ending on the 31st day of March, 1990;

Therefore, HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

\$36,704,503,400
granted for
fiscal year
1989-90

1.—(1) For the period from the 1st day of April, 1989 to the 31st day of March, 1990, amounts not exceeding a total of \$36,704,503,400 may be paid out of the Consolidated Revenue Fund, to be applied to the expenses of the public service that are not otherwise provided for, as set out in the Schedule.

Votes and
items

(2) The money shall be applied in accordance with the votes and items of the estimates and supplementary estimates.

Exception

(3) Despite subsections (1) and (2), if powers and duties are transferred from one minister of the Crown to another during the fiscal year ending on the 31st day of March, 1990, the appropriate amounts in the votes and items of the estimates and supplementary estimates may be transferred accordingly, on the authority of a certificate of the Management Board of Cabinet.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Supply Act, 1989*.

Projet de loi 109

1989

**Loi autorisant le paiement de certaines sommes
destinées à la fonction publique pour
l'exercice se terminant le 31 mars 1990**

Attendu qu'il ressort des messages de l'honorable Lincoln Alexander, lieutenant-gouverneur de la province de l'Ontario, accompagnés du budget des dépenses et du budget des dépenses supplémentaire que les sommes indiquées à l'annexe sont nécessaires pour assumer les dépenses de la fonction publique de l'Ontario auxquelles il n'est pas autrement pourvu pendant l'exercice se terminant le 31 mars 1990;

SA MAJESTÉ, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

1 (1) Le gouvernement peut, pour la période allant du 1^{er} avril 1989 au 31 mars 1990, prélever sur le Trésor des sommes ne dépassant pas au total 36 704 503 400 \$ et les affecter aux dépenses de la fonction publique, indiquées à l'annexe, auxquelles il n'est pas autrement pourvu.

36 704 503
400 \$
accordés pour
l'exercice
1989-1990

(2) Cette somme est affectée conformément aux crédits alloués et aux postes du budget des dépenses et du budget des dépenses supplémentaire.

Crédits et
postes

(3) Malgré les paragraphes (1) et (2), si des attributions d'un ministre de la Couronne sont transmises à un autre ministre pendant l'exercice se terminant le 31 mars 1990, les sommes appropriées, figurant aux crédits alloués et aux postes du budget des dépenses et du budget des dépenses supplémentaire, peuvent être transférées en conséquence, moyennant l'autorisation, par délivrance d'un certificat, du Conseil de gestion du gouvernement.

Exception

2 La présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Entrée en
vigueur

3 Le titre abrégé de la présente loi est *Loi de crédits de 1989*.

Titre abrégé

SCHEDULE

	1989-90 Estimates	Supplementary Estimates	Total
	\$	\$	\$
Agriculture and Food.....	506,792,300		506,792,300
Assembly, Office of the.....	93,570,700	3,322,400	96,893,100
Attorney General.....	478,653,800		478,653,800
Cabinet Office.....	9,338,600		9,338,600
Chief Election Officer, Office of the.	645,400		645,400
Citizenship	51,514,000		51,514,000
Colleges and Universities.....	2,745,924,300		2,745,924,300
Community and Social Services.....	5,007,140,500		5,007,140,500
Consumer and Commercial Relations.....	156,159,200		156,159,200
Correctional Services.....	453,853,900		453,853,900
Culture and Communications.....	316,762,500		316,762,500
Disabled Persons, Office for.....	7,859,000		7,859,000
Education.....	4,623,098,200		4,623,098,200
Energy.....	42,698,300		42,698,300
Environment.....	528,456,700		528,456,700
Financial Institutions.....	40,690,300		40,690,300
Government Services.....	726,835,200		726,835,200
Health.....	13,903,533,100		13,903,533,100
Housing.....	536,604,800		536,604,800
Industry, Trade and Technology.....	301,314,200		301,314,200
Intergovernmental Affairs.....	8,652,900		8,652,900
Labour.....	137,771,900		137,771,900
Lieutenant Governor, Office of the....	581,100		581,100
Management Board.....	167,843,800		167,843,800
Municipal Affairs.....	566,467,000		566,467,000
Native Affairs, Office Responsible for	6,313,700		6,313,700
Natural Resources.....	569,713,500		569,713,500
Northern Development and Mines.....	322,001,500		322,001,500
Ombudsman, Office of the.....	7,471,100	336,000	7,807,100
Premier, Office of the.....	2,349,300		2,349,300
Provincial Auditor, Office of the.....	7,333,000	252,200	7,585,200
Revenue.....	839,678,500		839,678,500
Senior Citizens Affairs, Office Responsible for.....	9,392,100		9,392,100
Skills Development.....	423,557,400		423,557,400
Solicitor General.....	469,902,400		469,902,400
Tourism and Recreation.....	200,048,500		200,048,500
Transportation	2,313,050,500		2,313,050,500
Treasury and Economics.....	100,308,300		100,308,300
Women's Issues, Office Responsible for	16,711,300		16,711,300
TOTAL.....	36,700,592,800	3,910,600	36,704,503,400

ANNEXE

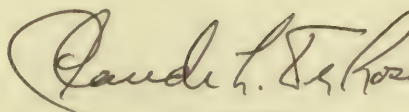
	Budget des dépenses de 1989-1990	Budget des dépenses supplémentaire	Total
	\$	\$	\$
Affaires autochtones, Office des.....	6 313 700		6 313 700
Affaires civiles.....	51 514 000		51 514 000
Affaires intergouvernementales.....	8 652 900		8 652 900
Affaires municipales.....	566 467 000		566 467 000
Agriculture et Alimentation.....	506 792 300		506 792 300
Assemblée législative, Bureau de l'..	93 570 700	3 322 400	96 893 100
Collèges et Universités.....	2 745 924 300		2 745 924 300
Condition féminine, Office de la....	16 711 300		16 711 300
Conseil de gestion du gouvernement...	167 843 800		167 843 800
Conseil des ministres, Bureau du.....	9 338 600		9 338 600
Consommation et Commerce.....	156 159 200		156 159 200
Culture et Communications.....	316 762 500		316 762 500
Développement du Nord et des Mines...	322 001 500		322 001 500
Directeur général des élections, Bureau du.....	645 400		645 400
Éducation.....	4 623 098 200		4 623 098 200
Énergie.....	42 698 300		42 698 300
Environnement.....	528 456 700		528 456 700
Formation professionnelle.....	423 557 400		423 557 400
Industrie, Commerce et Technologie...	301 314 200		301 314 200
Institutions financières.....	40 690 300		40 690 300
Lieutenant-gouverneur, Bureau du....	581 100		581 100
Logement.....	536 604 800		536 604 800
Ombudsman, Bureau de l'.....	7 471 100	336 000	7 807 100
Personnes âgées, Office des.....	9 392 100		9 392 100
Personnes handicapées, Office des....	7 859 000		7 859 000
Premier ministre, Cabinet du.....	2 349 300		2 349 300
Procureur général.....	478 653 800		478 653 800
Revenu.....	839 678 500		839 678 500
Richesses naturelles.....	569 713 500		569 713 500
Santé.....	13 903 533 100		13 903 533 100
Services correctionnels.....	453 853 900		453 853 900
Services gouvernementaux.....	726 835 200		726 835 200
Services sociaux et communautaires...	5 007 140 500		5 007 140 500
Solliciteur général.....	469 902 400		469 902 400
Tourisme et Loisirs.....	200 048 500		200 048 500
Transports.....	2 313 050 500		2 313 050 500
Travail.....	137 771 900		137 771 900
Trésor et Économie.....	100 308 300		100 308 300
Vérificateur provincial, Bureau du....	7 333 000	252 200	7 585 200
TOTAL.....	36 700 592 800	3 910 600	36 704 503 400

Bill 114

(Chapter 11
Statutes of Ontario, 1990)

An Act to amend the Ontario Lottery Corporation Act

The Hon. K. Black
Minister of Tourism and Recreation



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	March 21st, 1990
<i>2nd Reading</i>	May 31st, 1990
<i>3rd Reading</i>	June 26th, 1990
<i>Royal Assent</i>	June 28th, 1990

Bill 114

1990

**An Act to amend the
Ontario Lottery Corporation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of the *Ontario Lottery Corporation Act*, as re-enacted by the Statutes of Ontario, 1989, chapter 90, section 1, is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following clause:

R.S.O. 1980,
c. 344

(c) for the protection of the environment,

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Ontario Lottery Corporation Amendment Act, 1990*.

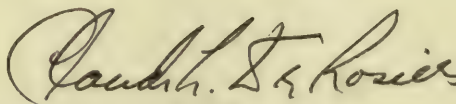
Short title

Bill 115

(Chapter 1
Statutes of Ontario, 1990)

An Act to amend the Representation Act, 1986

Mr. MacDonald



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	March 21st, 1990
<i>2nd Reading</i>	April 5th, 1990
<i>3rd Reading</i>	April 5th, 1990
<i>Royal Assent</i>	April 19th, 1990

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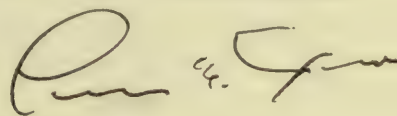
Bill 115**1990****An Act to amend the Representation Act, 1986**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Schedule to the *Representation Act, 1986* is amended 1986, c. 30
by renaming "THE ELECTORAL DISTRICT OF PRINCE
EDWARD-LENNOX" as "THE ELECTORAL DISTRICT OF
PRINCE EDWARD-LENNOX-SOUTH HASTINGS".

2. This Act comes into force on the day it receives Royal Commence-
Assent. ment

3. The short title of this Act is the *Representation* Short title
Amendment Act, 1990.



Bill 119

*(Chapter 90
Statutes of Ontario, 1989)*

An Act to amend the Ontario Lottery Corporation Act

The Hon. R. Nixon
Treasurer of Ontario and Minister of Economics



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	April 25th, 1988
<i>2nd Reading</i>	March 1st, 1989
<i>3rd Reading</i>	December 19th, 1989
<i>Royal Assent</i>	December 19th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 119

1989

An Act to amend the Ontario Lottery Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of the *Ontario Lottery Corporation Act*, being chapter 344 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

9. The net profits of the Corporation after provision for prizes and the payment of expenses of operations shall be paid into the Consolidated Revenue Fund at such times and in such manner as the Lieutenant Governor in Council may direct, to be available for appropriation by the Legislature,

Net profits
of the
Corporation

- (a) for the promotion and development of physical fitness, sports, recreational and cultural activities and facilities therefor; and
- (b) for the activities of the Ontario Trillium Foundation,

and the net profits of the Corporation paid into the Consolidated Revenue Fund in a fiscal year of Ontario and not so appropriated in the fiscal year shall be applied to, and accounted for in the Public Accounts of Ontario as part of, the money appropriated by the Legislature in the fiscal year for the operation of hospitals.

2. The net profits of the Corporation that, pursuant to section 9 of the said Act, have been paid into the Consolidated Revenue Fund before the 1st day of April, 1989 and that have not been expended before that date shall be applied to, and accounted for in the Public Accounts of Ontario as part of, the money appropriated by the Legislature for the operation of hospitals in the fiscal year of Ontario in which this Act comes into force.

Transitional

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

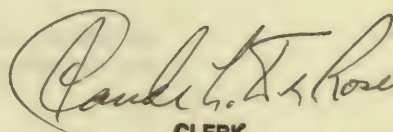
4. The short title of this Act is the *Ontario Lottery Corporation Amendment Act, 1989*.

Bill 124

(Chapter 22
Statutes of Ontario, 1989)

An Act to amend the Children's Law Reform Act

The Hon. I. Scott
Attorney General



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	April 26th, 1988
<i>2nd Reading</i>	January 5th, 1989
<i>3rd Reading</i>	June 19th, 1989
<i>Royal Assent</i>	June 20th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

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Bill 124

1989

An Act to amend the Children's Law Reform Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by adding thereto the following subsection:

(4a) Where the parents of a child live separate and apart and the child is in the custody of one of them and the other is entitled to access under the terms of a separation agreement or order, each shall, in the best interests of the child, encourage and support the child's continuing parent-child relationship with the other.

Duty of
separated
parents

2.—(1) Subsection 24 (1) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by inserting after "application" in the first line "or motion".

(2) Subsections 24 (2) and (3) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, are repealed and the following substituted therefor:

(2) In determining the best interests of a child for the purpose of an application or motion under this Part in respect of custody of or access to a child, a court shall consider all the child's needs and circumstances, including,

Best interests
of child

(a) the love, affection and emotional ties between the child and,

(i) each person seeking custody or access,

(ii) other members of the child's family residing with him or her, and

(iii) persons involved in the child's care and upbringing;

- (b) the child's views and preferences, if they can reasonably be ascertained;
- (c) the length of time the child has lived in a stable home environment;
- (d) the ability of each person seeking custody or access to act as a parent;
- (e) the ability and willingness of each person seeking custody to provide the child with guidance, education and necessities of life and to meet any special needs of the child;
- (f) any plans proposed for the child's care and upbringing;
- (g) the permanence and stability of the family unit with which it is proposed that the child will live; and
- (h) the relationship, by blood or through an adoption order, between the child and each person who is a party to the application or motion.

Domestic
violence to
be considered

(3) In assessing a person's ability to act as a parent, the court shall consider the fact that the person has at any time committed violence against his or her spouse or child, against his or her child's parent or against another member of the person's household.

Restrictions
on consid-
eration of
other past
conduct

(4) Other than the conduct referred to in subsection (3), a person's past conduct may be considered only if the court is satisfied that it is relevant to the person's ability to act as a parent.

3. The said Act is amended by adding thereto the following section:

Application
to fix times
or days of
access

28a.—(1) If an order in respect of access to a child provides for a person's access to the child without specifying times or days, a party to the order may apply to the court that made it to vary it by specifying times or days.

Order

(2) The court may vary the order by specifying the times or days agreed to by the parties, or the times or days the court considers appropriate if the parties do not agree.

Separation
agreements

1986, c. 4

(3) Subsection (1) also applies, with necessary modifications, in respect of a separation agreement under section 54 of the *Family Law Act, 1986* or a predecessor of that section that

provides for a person's access to a child without specifying times or days.

(4) Subsection (1) does not apply in respect of orders made under the *Divorce Act*, 1985 (Canada) or a predecessor of that Act. Exception
S.C. 1986,
c. 4

4. Section 29 of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended by adding thereto the following subsection:

(2) Subsection (1) does not apply in respect of orders made under subsection 28a (2) (fixing times or days of access) or 35a (2) or (6) (access enforcement, etc.). Exception

5. Subsection 30 (14) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed and the following substituted therefor:

(14) The court may require one party to pay all the fees and expenses of the person appointed under subsection (1) if the court is satisfied that payment would cause the other party or parties serious financial hardship. Idem,
serious
financial
hardship

6. Subsection 31 (10) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed and the following substituted therefor:

(10) The court may require one party to pay all the mediator's fees and expenses if the court is satisfied that payment would cause the other party or parties serious financial hardship. Idem, serious
financial
hardship

7. The said Act is further amended by adding thereto the following section:

35a.—(1) A person in whose favour an order has been made for access to a child at specific times or on specific days and who claims that a person in whose favour an order has been made for custody of the child has wrongfully denied him or her access to the child may make a motion for relief under subsection (2) to the court that made the access order. Motion to
enforce right
of access

(2) If the court is satisfied that the responding party wrongfully denied the moving party access to the child, the court may, by order, Order for
relief

(a) require the responding party to give the moving party compensatory access to the child for the period agreed to by the parties, or for the period

the court considers appropriate if the parties do not agree;

- (b) require supervision as described in section 35;
- (c) require the responding party to reimburse the moving party for any reasonable expenses actually incurred as a result of the wrongful denial of access;
- (d) appoint a mediator in accordance with section 31 as if the motion were an application for access.

Period of
compensatory
access

(3) A period of compensatory access shall not be longer than the period of access that was wrongfully denied.

What
constitutes
wrongful
denial of
access

(4) A denial of access is wrongful unless it is justified by a legitimate reason such as one of the following:

1. The responding party believed on reasonable grounds that the child might suffer physical or emotional harm if the right of access were exercised.
2. The responding party believed on reasonable grounds that he or she might suffer physical harm if the right of access were exercised.
3. The responding party believed on reasonable grounds that the moving party was impaired by alcohol or a drug at the time of access.
4. The moving party failed to present himself or herself to exercise the right of access within one hour of the time specified in the order or the time otherwise agreed on by the parties.
5. The responding party believed on reasonable grounds that the child was suffering from an illness of such a nature that it was not appropriate in the circumstances that the right of access be exercised.
6. The moving party did not satisfy written conditions concerning access that were agreed to by the parties or that form part of the order for access.
7. On numerous occasions during the preceding year the moving party had, without reasonable notice and excuse, failed to exercise the right of access.

8. The moving party had informed the responding party that he or she would not seek to exercise the right of access on the occasion in question.

(5) A person in whose favour an order has been made for custody of a child and who claims that a person in whose favour an order has been made for access to the child has, without reasonable notice and excuse, failed to exercise the right of access or to return the child as the order requires, may make a motion for relief under subsection (6) to the court that made the access order.

Motion re failure to exercise of right of access, etc.

(6) If the court is satisfied that the responding party, without reasonable notice and excuse, failed to exercise the right of access or to return the child as the order requires, the court may, by order,

Order for relief

- (a) require supervision as described in section 35;
- (b) require the responding party to reimburse the moving party for any reasonable expenses actually incurred as a result of the failure to exercise the right of access or to return the child as the order requires;
- (c) appoint a mediator in accordance with section 31 as if the motion were an application for access.

(7) A motion under subsection (1) or (5) shall be heard within ten days after it has been served.

Speedy hearing

(8) A motion under subsection (1) or (5) shall not be made more than thirty days after the alleged wrongful denial or failure.

Limitation

(9) The motion shall be determined on the basis of oral evidence only, unless the court gives leave to file an affidavit.

Oral evidence only

(10) At the hearing of the motion, unless the court orders otherwise, evidence shall be admitted only if it is directly related to,

Scope of evidence at hearing limited

- (a) the alleged wrongful denial of access or failure to exercise the right of access or return the child as the order requires; or
- (b) the responding party's reasons for the denial or failure.

Separation
agreement
may be filed
with court
1986, c. 4

(11) A person who is a party to a separation agreement made under section 54 of the *Family Law Act, 1986* or a predecessor of that section may file the agreement with the clerk of the Provincial Court (Family Division) or of the Unified Family Court, together with the person's affidavit stating that the agreement is in effect and has not been set aside or varied by a court or agreement.

Effect of
filing

(12) When a separation agreement providing for access to a child at specific times or on specific days is filed in this manner, subsections (1) and (5) apply as if the agreement were an order of the court where it is filed.

Motions
made in bad
faith

(13) If the court is satisfied that a person has made a motion under subsection (1) or (5) in bad faith, the court may prohibit him or her from making further motions without leave of the court.

Idem
S.C. 1986,
c. 4

(14) Subsections (1) and (5) do not apply in respect of orders made under the *Divorce Act, 1985* (Canada) or a predecessor of that Act.

Application

(15) Subsections (1) and (5) do not apply in respect of a denial of access or a failure to exercise a right of access or to return a child as the order or agreement requires that takes place before the day section 7 of the *Children's Law Reform Amendment Act, 1989* comes into force.

1989, c. 22

8. Subsection 36 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1986, chapter 8, section 4, is repealed and the following substituted therefor:

Order
restraining
harassment

(1) On application, a court may make an interim or final order restraining a person from molesting, annoying or harassing the applicant or children in the applicant's lawful custody or from communicating with the applicant or children, except as the order provides, and may require the person to enter into the recognizance that the court considers appropriate.

Commence-
ment

9. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

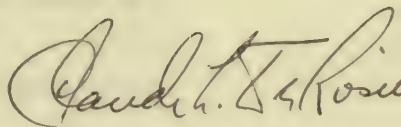
10. The short title of this Act is the *Children's Law Reform Amendment Act, 1989*.

Bill 147

(Chapter 59
Statutes of Ontario, 1989)

An Act respecting Independent Health Facilities

The Hon. E. Caplan
Minister of Health



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 2nd, 1988
<i>2nd Reading</i>	February 22nd, 1989
<i>3rd Reading</i>	November 22nd, 1989
<i>Royal Assent</i>	November 23rd, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 147

1989

An Act respecting Independent Health Facilities

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Definitions

“assessor” means an assessor appointed under section 27 or 29;

“Board”, except in section 36, means the Health Facilities Appeal Board under the *Ambulance Act*;

R.S.O. 1980,
c. 20

“College” means the College of Physicians and Surgeons of Ontario;

“Director” means the Director appointed under section 4;

“facility fee” means a charge or a fee for or in respect of a service or operating cost that,

(a) supports, assists and is a necessary adjunct, or any of them, to an insured service, and

(b) is not part of the insured service;

“health facility” means a place in which one or more members of the public receive health services and includes an independent health facility;

“independent health facility” means a health facility in which one or more members of the public receive services that are insured services and for which facility fees are charged, but does not include a health facility mentioned in section 2;

“inspector” means an inspector appointed under section 25 or 26;

“insured person” has the same meaning as in the *Health Insurance Act*;

R.S.O. 1980,
c. 197

“insured service” means,

R.S.O. 1980,
c. 197

- (a) a service rendered by a physician for which an amount payable is prescribed by the regulations under the *Health Insurance Act*, or
- (b) a service prescribed as an insured service under the *Health Insurance Act* rendered by a practitioner within the meaning of that Act;

“licence” means a licence issued by the Director under this Act;

“maximum allowable consideration”, in relation to a licence for an independent health facility, means,

- (a) if section 7 applied with respect to the facility at the time it came into force, the amount prescribed by the regulations or determined by the method prescribed by the regulations, or
- (b) in any other case, zero;

“medical care” means health care;

“medical record” means a record relating to health services;

“Minister” means the Minister of Health;

“Ministry” means the Ministry of Health;

“patient” means a person who receives health services in a health facility;

“physician” means a legally qualified medical practitioner;

“Registrar” means the Registrar of the College of Physicians and Surgeons of Ontario;

“regulations” means regulations made under this Act;

“voting share” means any share of any class of shares of a body corporate carrying voting rights under all circumstances and any share of any class of shares carrying voting rights by reason of the occurrence of a contingency that has occurred and is continuing.

Interest
affecting the
control of a
corporation

(2) A person shall be deemed to have an interest affecting the control of a corporation if the person alone or with one or

more associates directly or indirectly beneficially owns or controls the lesser of,

- (a) voting shares in the corporation in a sufficient number to permit that person either alone or with one or more associates to direct the management and policies of the corporation; or
- (b) voting shares to which are attached 10 per cent or more of the voting rights attached to all issued and outstanding voting shares of the corporation.

(3) Persons shall be deemed to be associates of each other if, Associates

- (a) one person is a corporation of which the other person is an officer or director;
- (b) one person is a partner of the other person;
- (c) one person is a corporation of which the other person beneficially owns, directly or indirectly, voting shares carrying more than 10 per cent of the voting rights attached to all voting shares of the corporation for the time being outstanding;
- (d) both persons are members of a voting trust where the trust relates to shares of a corporation;
- (e) one person is the father, mother, brother, sister, child or spouse of the other person or is another relative who has the same home as the other person; or
- (f) both persons are associates within the meaning of clauses (a) to (e) of the same person.

(4) For the purposes of this Act, the provisions of this Act related to corporations, their control, and the ownership, control and voting of shares apply with necessary modifications in respect of corporations to which Part III of the *Corporations Act* applies.

Corporations
without share
capital

R.S.O. 1980,
c. 95

2. This Act does not apply to the following health facilities, persons, places or services:

Application
of Act

- 1. An office or place in which one or more persons provide services in the course of the practice of a health profession,

R.S.O. 1980,
c. 197

i. for or in respect of which the only charges made for insured services are for amounts paid or payable by the Plan as defined in the *Health Insurance Act*, and

ii. for or in respect of which no facility fee is requested from or paid by the Province or any person.

2. A service or class of services that is exempt by the regulations.

3. A health facility or class of health facilities that is exempt by the regulations.

4. A person who is or a class of persons that is exempt by the regulations.

Licence
required

3.—(1) No person shall establish or operate an independent health facility except under the authority of a licence issued by the Director.

Charge for
facility fee

(2) No person shall charge or accept payment of a facility fee in respect of an insured service provided in an independent health facility unless the facility is operated by a person licensed under this Act.

Idem

(3) No person shall charge an insured person a facility fee in respect of an insured service provided in an independent health facility operated by a person licensed under this Act.

Application
of subs. (2)

(4) Subsection (2) does not apply to prevent a person from charging a facility fee to or accepting payment of a facility fee from a person who is not an insured person.

Director

4. The Minister shall appoint an employee of the Ministry to be the Director of Independent Health Facilities.

Request for
proposals

5.—(1) The Minister may request proposals for the establishment and operation of an independent health facility.

Matters to be
considered

(2) In deciding whether or not to request proposals, the Minister shall consider,

(a) the nature of the service or services provided or to be provided in the independent health facility;

(b) the extent to which the service or services is already available in Ontario or any part of Ontario;

- (c) the need for the service or services in Ontario or any part of Ontario;
- (d) the future need for the service or services in Ontario or any part of Ontario;
- (e) the projected cost in public moneys for the operation of the independent health facility; and
- (f) the availability of public moneys to pay for the operation of the independent health facility.

(3) A request for proposals shall specify,

Contents of
request

- (a) the service or services to be provided in the independent health facility;
- (b) the locality in which the independent health facility is to be located;
- (c) such other requirements and limitations as the Minister considers relevant; and
- (d) the final date for submission of proposals.

(4) Persons interested in establishing and operating an independent health facility in response to a request for proposals may submit proposals therefor to the Director.

Submission
of proposals

(5) A proposal shall set out,

Contents of
proposal

- (a) the business and professional experience of the person submitting the proposal;
- (b) details of the physical nature of the proposed facility;
- (c) the nature of the service or services to be provided in the facility;
- (d) the projected cost for the operation of the facility;
- (e) details of the system that will be established to ensure the monitoring of the results of the service or services to be provided in the facility;
- (f) details of the professional and other staff proposed for the facility;

- (g) such other information as is relevant to the requirements and limitations specified in the request for proposals.

Consideration
of proposals

(6) The Director shall consider the proposals and may request additional information in respect of any proposal.

Issuance of
licence

6.—(1) Subject to section 8, the Director may issue a licence to a person who has submitted a proposal for the establishment and operation of an independent health facility where the Director is of the opinion,

- (a) that the proposal meets the criteria specified in the request for proposals;
- (b) that the quality and the standards of the independent health facility or of the service or services to be provided in the facility will comply with the regulations or, in the absence of regulations, will conform to the generally accepted quality and standards for the facility and the service or services to be provided in the facility;
- (c) that the person will operate the independent health facility competently and with honesty and integrity, and
- (d) that the person will establish and maintain a system to ensure the monitoring of the results of the service or services provided in the independent health facility.

Discretion

(2) The issuance of a licence to a person who meets the requirements of subsection (1) is discretionary in the Director and, despite a request for proposals or negotiations in respect of a proposal, the Director,

- (a) is not required to issue a licence to any person; and
- (b) may prefer any proposal over other proposals.

Preference to
non-profit
facilities,
Canadian
licensees

(3) Despite any international treaty or obligation to which Canada is a party or any law implementing such a treaty or obligation and without restricting the generality of subsection (2), the Director shall give preference to proposals that indicate,

- (a) that the independent health facility will be operated on a non-profit basis; and

(b) that the person who has submitted the proposal for the establishment and the operation of the facility is,

(i) a Canadian citizen ordinarily resident in Canada,

(ii) a permanent resident within the meaning of the *Immigration Act* (Canada) and ordinarily resident in Canada, R.S.C. 1985,
c. I-2

(iii) a corporation controlled, whether through the ownership of voting shares or otherwise, by one or more persons described in subclause (i) or (ii), or

(iv) a corporation controlled, whether through the ownership of voting shares or otherwise, by one or more persons described in subclause (i), (ii) or (iii).

(4) For the purpose of clause (3) (a), an independent health facility is operated on a non-profit basis if the profit derived from the operation of the facility is used exclusively in the further operation of the facility and no part of the profit is payable to, or is otherwise available for, the personal benefit of any person. Non-profit
basis

(5) The Director may issue a licence subject to such limitations and conditions as the Director considers necessary in the circumstances. Limitations
and
conditions

7.—(1) A person who operated an independent health facility on the 2nd day of June, 1988 may, within one year after the date on which this section comes into force, submit a proposal for a licence to continue to operate the facility, as if the Minister had requested proposals under subsection 5 (1). Transitional

(2) Subsections 5 (4), (5) and (6) and sections 6, 8 and 9 apply with necessary modifications to a proposal referred to in subsection (1). Idem

(3) Despite section 3, a person who operated an independent health facility on the 2nd day of June, 1988 may continue to operate the facility without a licence and to charge and accept payment from any person of a facility fee in respect of an insured service provided in the facility, Existing
facilities may
operate and
bill directly

- (a) where the person does not submit a proposal under subsection (1), for one year after the date on which this section comes into force;
- (b) where the person submits a proposal and is served with notice that the Director proposes to issue a licence to the person, until the person is issued the licence; or
- (c) where the person submits a proposal and is served with notice that the Director proposes to not issue a licence to the person, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the time for giving notice requiring an appeal from the decision or order of the Board has expired and, where an appeal is required, until the matter in issue has been finally determined.

Regulations
may apply

(4) Any regulation that applies to independent health facilities operated by persons licensed under this Act or to licensees may be made applicable to independent health facilities operated under subsection (3) or to the persons who operate the facilities, as the case may be.

Notice that
subs. (3)
does not
apply

(5) Where the Director has reasonable and probable ground to believe that an independent health facility referred to in subsection (3) is being operated or will be operated in a manner that is prejudicial to the health, safety or welfare of any person, the Director may by a written notice direct the person who operates the facility that subsection (3) does not apply to the facility effective on the date specified in the notice.

Order is final

(6) An order under subsection (5) is final.

Transitional

(7) This section applies with necessary modifications to a person as though the person operated an independent health facility on the 2nd day of June, 1988, if the person, before the coming into force of this section, was operating a health facility and charging fees that were set out in a column denoted by the letter "T" in Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* and if, before this section comes into force, those regulations are amended so that those fees are no longer set out in such a column.

R.S.O. 1980,
c. 197

Idem

(8) Subsection (3) does not apply to allow a person to charge an insured person a fee, or accept from an insured per-

son payment of a fee, for a service if, before this section comes into force,

- (a) there was a fee for the service set out in a column described in subsection (7); and
- (b) the regulation described in subsection (7) is amended so that a fee for the service is no longer payable under the regulation.

8.—(1) Where the Director proposes to issue a licence under subsection 6 (1) or to refuse to issue a licence to any person, the Director shall serve notice of the proposed action on every person who submitted a proposal for a licence.

Notice of
proposal to
refuse licence

(2) A notice under subsection (1) shall inform the person on whom it is served that the person is entitled to,

Contents of
notice

- (a) written reasons for the proposal if a request is received by the Director within seven days of the receipt by the person of the notice of the proposal, and the person may so require the written reasons; and
- (b) a hearing by the Board if the person mails or delivers, within fifteen days after receipt by the person of the written reasons, a written request and the person may so require the hearing.

(3) Where no person requires a hearing by the Board in accordance with subsection (2), the Director may carry out the proposed action stated in the notice under subsection (1).

Powers of
Director
where no
hearing

(4) Where a person requires a hearing by the Board, the Board shall appoint a time for and hold the hearing and the Board may by order direct the Director to carry out the proposed action or refrain from carrying out the proposed action and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations.

Powers of
Board where
hearing

(5) For the purposes of subsection (4), the Board may substitute its opinion for that of the Director, but the Board may not direct the Director to do anything that is contrary to the criteria specified in the request for proposals.

Idem

(6) The Board may extend the time for the giving of notice requiring a hearing by a person under this section either before or after expiration of such time where it is satisfied that there are grounds for granting relief to the person following upon a hearing and that there are reasonable grounds for

Extension of
time for
requiring
hearing

applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.

Minister may
direct refusal
to issue
licence

9.—(1) At any time after the Minister requests proposals for the establishment and operation of an independent health facility and before a licence is issued, the Minister may direct the Director in writing to not issue any licence in respect of the request for proposals.

Matters to be
considered

(2) In deciding whether or not to issue a direction under subsection (1), the Minister shall consider,

- (a) the nature of the service or services provided or to be provided in the independent health facility;
- (b) the extent to which the service or services is already available in Ontario or any part of Ontario;
- (c) the need for the service or services in Ontario or any part of Ontario;
- (d) the future need for the service or services in Ontario or any part of Ontario;
- (e) the projected cost in public moneys for the operation of the independent health facility; and
- (f) the availability of public moneys to pay for the operation of the independent health facility.

Director shall
refuse to
issue licence

(3) Upon receipt of a direction under subsection (1), the Director shall refuse to issue any licence in respect of the request for proposals and shall give written notice to every person who submitted a proposal of the refusal and of the Minister's direction.

Public notice

(4) Where the Minister issues a direction before the final date for submission of proposals, the Director shall publish notice of the direction in the same manner as the Minister's request for proposals.

No appeal
from refusal
to issue
licence

(5) Section 8 does not apply to a refusal to issue a licence under this section.

Special
situation

10.—(1) Where the Minister is of the opinion that it is essential that an independent health facility for which proposals have been requested be established without delay, and any person has required a hearing by the Board in respect of a proposal by the Director to issue or to refuse to issue a

licence, the Minister may direct the Director in writing to carry out the proposal forthwith.

(2) The Director shall carry out the direction and shall give written notice to the person who required the hearing. Action by
Director

(3) The Director's notice shall inform the person of the Minister's direction, of the action to be taken by the Director and of the person's right to proceed with the hearing before the Board. Notice

(4) Section 8 does not apply to prevent the Minister or the Director from acting under this section. Application
of s. 8

(5) The Board, in an order under section 8, may require the Director to issue a licence to an applicant despite the issuance of a licence to any other person. Power of
Board

11.—(1) A licence is not transferable without the consent of the Director. Transfer of
licence

(2) In deciding whether to consent to the transfer of a licence, Criteria

(a) the Director shall treat the proposed transferee of the licence as if the proposed transferee were an applicant for a licence and for the purpose subsection 6 (1), other than clause 6 (1) (a), applies with necessary modifications; and

(b) the Director shall apply the principle that consent shall be refused if there are reasonable grounds to believe that money or other consideration, other than the prescribed fee and an amount not exceeding the maximum allowable consideration, has been or will be paid, transferred, accepted or received for the transfer of the licence.

(3) No person shall, for the transfer of a licence, pay, transfer, accept or receive money or other consideration other than the prescribed fee and an amount not exceeding the maximum allowable consideration. Restrictions
on consid-
eration for
transfers

(4) Every director of a corporation that transfers a licence shall take all reasonable care to ensure that, for the transfer of the licence, no money or other consideration other than the prescribed fee and an amount not exceeding the maximum allowable consideration is paid, transferred, accepted or received. Duty of
directors

Limitations
and
conditions

(5) In consenting to the transfer of a licence, the Director may attach to the licence such limitations and conditions as the Director considers necessary in the circumstances.

Expiry of
licence

12. Every licence expires on the date specified on the licence, which shall not be later than the fifth anniversary of its issuance or renewal, unless it is revoked or is surrendered to the Director before that date.

Share
transfer
R.S.O. 1980,
c. 466

13.—(1) A licensee that is a private company as defined in the *Securities Act* shall not permit an issue or transfer of its voting shares that may result in a person acquiring or increasing an interest affecting its control while it is a licensee unless its licence includes a condition as to the ownership or control of the licensee and such issue or transfer of voting shares would not result in a breach of that condition.

Restrictions
on consid-
eration for
licence in
share transfer

(2) No person shall pay, transfer, accept or receive, in respect of a transfer of shares of a corporation that is a licensee, money or other consideration that can reasonably be regarded as referable to the licence held by the corporation other than an amount not exceeding the portion of the maximum allowable consideration allocated to the shares as prescribed by the regulations.

Duty of
corporation
to notify
Director

14.—(1) A licensee that is a corporation shall notify the Director in writing within fifteen days of any change in the officers or directors of the corporation.

Idem

(2) Where a corporation has an interest in a licence and there is reasonable ground for belief that an event will occur whereby a person would acquire an interest or increase an interest affecting the control of the corporation while the corporation has an interest in the licence, the corporation shall so notify the Director forthwith.

Statement
required

(3) The Director annually, in writing, shall direct a corporation that has an interest in a licence to provide the names and addresses of all of the officers and directors of the corporation and a statement concerning the ownership or beneficial ownership of voting shares in the corporation, which statement shall contain the information that, in the opinion of the Director, is reasonably necessary to enable the Director to determine,

(a) what persons, if any, have interests affecting the control of the corporation; and

- (b) what persons, if any, have interests affecting the control of a person mentioned in clause (a) that is a corporation.

(4) The Director may require the information described in subsection (3) to be provided more frequently than annually if, in the opinion of the Director, it is reasonably necessary for the purposes set out in subsection (3). Idem

15. A licence shall not be used as security for the payment or performance of an obligation, and any transaction purporting to use a licence as security for the payment or performance of an obligation is void. Licence not to be used as security

16.—(1) A licensee shall not enter into a contract that may result in, Contracts

- (a) a change in the beneficial ownership of the licence without a corresponding transfer of the licence; or
- (b) in the case of a licensee that is a corporation, a person acquiring or increasing an interest affecting the control of the corporation while it is a licensee.

(2) Subsection (1) does not apply if the licence includes a condition as to the ownership or control of the licensee and the contract would not result in a breach of the condition. Exception

17.—(1) Where the Director is of the opinion that an independent health facility should continue to operate after the expiry, surrender, suspension or revocation of the licence, after the death of the licensee or after the licensee ceases to operate the facility, the Director by a written order may take control of and operate the facility for a period not exceeding one year. Order by Director to take control

(2) Where the Director takes control of and operates an independent health facility under subsection (1), the Director has all the powers of the licensee and the Director may appoint one or more persons to operate the facility and each person so appointed is a representative of the Director. Authority of Director

(3) Where the Director takes control of an independent health facility, the licensee, former licensee or estate of the licensee, as the case may be, Payment for services and compensation for property

- (a) is not entitled to payment for any service that is provided by the facility while the facility is under the control of the Director; and

- (b) is entitled to reasonable compensation from the Crown for the use of property of the licensee, former licensee or estate of the licensee while the facility is under the control of the Director.

Order
effective
immediately

- (4) An order under subsection (1) takes effect immediately and is final.

Revocation
and refusal
to renew
licence

- 18.—**(1) The Director may revoke, suspend or refuse to renew a licence where,

- (a) the licensee or any member of the licensee's staff or an employee of the licensee is in contravention of this Act or the regulations or any other Act of the Legislature or of the Parliament of Canada or regulation that applies to the independent health facility or to the licensee, any member of the licensee's staff or an employee of the licensee, as the case may be;
- (b) there is a breach of a limitation or condition of the licence;
- (c) any person has made a false statement in the proposal submitted to the Director in respect of the independent health facility;
- (d) any person has made a false statement in the application for renewal of the licence;
- (e) any person has made a false statement in any report, document or other information required to be furnished by this Act or the regulations or any other Act or regulation that applies to the independent health facility;
- (f) any person has, for the transfer of the licence, paid, transferred, accepted or received money or other consideration other than the prescribed fee and an amount not exceeding the maximum allowable consideration;
- (g) there is reasonable ground for belief that the independent health facility is not being or will not be operated in accordance with the law and with honesty and integrity;
- (h) there is reasonable ground for belief that the independent health facility is not being or will not be operated in a responsible manner in accordance

with this Act or the regulations or any other Act or regulation that applies to the facility;

- (i) there is reasonable ground for belief that the independent health facility is being operated or will be operated in a manner that is prejudicial to the health, safety or welfare of any person;
- (j) the licensee has ceased operating the independent health facility for a period of at least six months and is not taking reasonable steps to prepare the facility to re-open;
- (k) the licensee is a corporation described in subsection 13 (1) that has permitted an issue or transfer contrary to that subsection;
- (l) a corporation has failed to make a report or statement to the Director contrary to section 14; or
- (m) the licensee has entered into a contract described in section 16 contrary to that section.

(2) If the Director is of the opinion upon reasonable grounds that the independent health facility is being operated or will be operated in a manner that poses an immediate threat to the health or safety of any person, the Director by a written order may suspend the licence of the facility.

Emergency
suspension

(3) Despite subsections (4) and (5), an order under subsection (2) takes effect immediately.

Order
effective
immediately

(4) The Director shall deliver with the order under subsection (2) notice that the licensee is entitled to a hearing by the Board if the licensee mails or delivers, within fifteen days after the notice is served on the licensee, notice in writing requiring a hearing to the Director and the Board, and the licensee may so require such a hearing.

Notice
requiring
hearing by
Board

(5) Subsections 20 (4) and (6) apply with necessary modifications to a suspension under subsection (2).

Powers of
Board where
hearing

19.—(1) The Minister may direct the Director in writing to not renew the licence.

Minister may
direct refusal
to renew
licence

(2) In deciding whether or not to issue a direction under subsection (1), the Minister shall consider,

Matters to be
considered

- (a) the nature of the service or services provided or to be provided in the independent health facility;

- (b) the extent to which the service or services is already available in Ontario or any part of Ontario;
- (c) the need for the service or services in Ontario or any part of Ontario;
- (d) the future need for the service or services in Ontario or any part of Ontario;
- (e) the projected cost in public moneys for the operation of the independent health facility; and
- (f) the availability of public moneys to pay for the operation of the independent health facility.

Notice to
licensee

(3) Upon receipt of a direction under subsection (1), the Director must give written notice to the licensee at least six months before the expiry of the licence that the licence will not be renewed upon expiry pursuant to the Minister's direction.

Petition to
Lieutenant
Governor in
Council

(4) A licensee may, by petition filed with the Clerk of the Executive Council filed within fifteen days after the notice in subsection (3) has been served on the licensee, request that the Lieutenant Governor in Council revoke the direction of the Minister to not renew the licence.

Powers of
Lieutenant
Governor in
Council

(5) Upon receipt of a petition filed under subsection (4), the Lieutenant Governor in Council shall confirm or revoke the direction of the Minister.

Deemed
confirmation

(6) If the Lieutenant Governor in Council does not confirm or revoke the direction of the Minister within sixty days after the petition under subsection (4) has been filed, the Lieutenant Governor in Council shall be deemed to have confirmed the direction.

No appeal
from refusal
to renew
licence

(7) Section 20 does not apply to a refusal to renew a licence under this section.

Notice of
proposal to
revoke or
refuse to
renew licence

20.—(1) Where the Director proposes to revoke, suspend or refuse to renew a licence under subsection 18 (1), the Director shall serve notice of the proposed action, together with written reasons therefor, on the licensee.

Notice
requiring
hearing by
Board

(2) A notice under subsection (1) shall inform the licensee that the licensee is entitled to a hearing by the Board if the licensee mails or delivers, within fifteen days after the notice under subsection (1) is served on the licensee, notice in writ-

ing requiring a hearing to the Director and the Board, and the licensee may so require such a hearing.

(3) Where a licensee does not require a hearing by the Board in accordance with subsection (2), the Director may carry out the proposed action stated in the notice under subsection (1).

Powers of
Director
where no
hearing

(4) Where a licensee requires a hearing by the Board, the Board shall appoint a time for and hold the hearing and the Board may by order direct the Director to carry out the proposed action or refrain from carrying out the proposed action and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director.

Powers of
Board where
hearing

(5) Where the Board is required to hold a hearing, it shall proceed forthwith to hold the hearing unless the licensee satisfies the Board that the licensee has not been given a reasonable opportunity to comply with all the lawful requirements for the retention of the licence and that it would be just and reasonable to give the licensee that opportunity.

Opportunity
to comply

(6) The Board may extend the time for the giving of notice requiring a hearing by a licensee under this section either before or after expiration of such time where it is satisfied that there are grounds for granting relief to the licensee following upon a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.

Extension of
time for
requiring
hearing

(7) Where, before the expiry of the licence, a licensee has applied for renewal of the licence and paid the prescribed fee, the licence shall be deemed to continue,

Continuation
of licence
pending
renewal

(a) until the renewal is granted; or

(b) where the licensee is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the time for giving notice requiring an appeal from the decision or order of the Board has expired and, where an appeal is required, until the matter in issue has been finally determined.

Notice re
consent to
transfer a
licence

(8) Subsections (1) to (6) apply with necessary modifications where the Director proposes to refuse to consent to the transfer of a licence and, for the purpose,

- (a) the Director shall serve the notice under subsection (1) upon both the licensee and the proposed transferee; and
- (b) the licensee and the proposed transferee, or either of them, may require the hearing by the Board, but if they each require such a hearing, the Board shall combine the applications into one proceeding.

Parties to
hearing
before the
Board

21.—(1) The Director, the person who has required the hearing and any other person the Board may specify are parties to proceedings before the Board under this Act.

Submissions

(2) The Board may permit any person who is not a party before it to make written or oral submissions to the Board and, where it does so, those submissions may be made either personally or through an agent.

Examination
of
documentary
evidence

(3) A party to proceedings shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members
holding
hearing not
to have
taken part in
investigation,
etc.

(4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or party's representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and, in such case, the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

Recording of
evidence

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Findings of
fact

(6) The findings of fact of the Board following upon a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*.

R.S.O. 1980,
c. 484

Only
members at
hearing to
participate in
decision

(7) No member of the Board shall participate in a decision of the Board following upon a hearing unless he or she was

present throughout the hearing, heard the evidence and argument of the parties and read or heard any written or oral submissions made under subsection (2) and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

(8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to that person by the Board within a reasonable time after the matter in issue has been finally determined.

Release of
documentary
evidence

22.—(1) Any party to proceedings before the Board may appeal from its decision or order to the Divisional Court on a question of law alone.

Appeal from
decision of
Board

(2) Where any party appeals under subsection (1), the Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Board's record, shall constitute the record in the appeal.

Record to be
filed in court

(3) On an appeal under subsection (1), the Divisional Court may affirm or may rescind the decision of the Board or the court may refer the matter back to the Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Powers of
court on
appeal

(4) The decision of the Divisional Court under this section is final.

Final decision

23. Except where otherwise provided, any notice required by this Act to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at the person's last known address and, where notice is served by registered mail, the service shall be deemed to have been made on the third day after the day of mailing unless the person to whom notice is given establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice until a later date.

Service of
notice

24. The Minister may pay all or part of any one or more of the capital costs of an independent health facility, the operating costs of an independent health facility or the costs of the services provided in an independent health facility according to whatever method of payment the Minister may decide upon.

Payment by
Minister

Appointment
of inspectors
by Minister

25.—(1) The Minister may appoint in writing one or more persons as inspectors.

Limitation

(2) In an appointment under subsection (1), the Minister may limit the duties or the authority, or both, of an inspector in such manner as the Minister considers necessary or advisable.

Investigation

(3) Where the Director is of the opinion that it is necessary or advisable that an inspection be made of an independent health facility licensed under this Act to ensure that this Act, the regulations and the limitations and conditions of the licence are being complied with, the Director may direct one or more inspectors appointed by the Minister to make the investigation and to report to the Director.

Duty of
inspector

(4) An inspector appointed by the Minister shall make such inspections as the Director requires under subsection (3) and shall make such reports and interim reports in respect of the inspections as are required by the Director.

Notice to
Registrar of
C.P.S.O.

26.—(1) Where the Director is of the opinion that there is reasonable ground for belief that there is or has been a contravention of section 3, the Director may give notice to the Registrar of the College.

Idem

(2) Where the Director is of the opinion that there is reasonable ground for belief that the quality and standards of service provided in a health facility operated under subsection 7 (3) do not comply with the regulations or, in the absence of regulations, do not conform to the generally accepted quality and standards for the health facility and the service or services provided in such a health facility, the Director may give notice to the Registrar.

Appointment
of inspectors
by Registrar

(3) Upon receipt of a notice under subsection (1) or (2), the Registrar shall appoint in writing one or more persons as inspectors to make the inspection.

Notice by
inspector

(4) Before making an inspection, an inspector shall give written notice to the person who appears to be in control or management of the health facility.

Progress
reports

(5) The Registrar shall report to the Director upon the appointment of the inspector or inspectors and, at the request of the Director, upon the progress of the inspection.

Report to
Registrar

(6) An inspector appointed by the Registrar shall make the inspection and shall make such reports and interim reports in respect of the inspection as are required by the Registrar.

(7) The Registrar shall report the result of the inspection to the Director. Report to Director

(8) The Registrar shall also report the result of the inspection to the Executive Committee or such other committee of the College as the Registrar considers appropriate. Report to College

(9) Reports and interim reports under this section shall be made at such times, in such form, in such detail and with such supporting material as is required by the person or body to whom the report is to be made. Time and form of reports

27.—(1) The Registrar may appoint persons in writing as assessors. Appointment of assessors

(2) The Council of the College, or a committee established by the Council acting on the direction of the Council, may appoint persons as assessors. Appointment by committee of College

(3) Where the Director considers it necessary or advisable that assessments be carried out of the quality and the standards of services provided in a health facility referred to in subsection 32 (2), the Director may give notice in writing to the chief administrative officer of the governing, registering or licensing body of a health profession or to the licensee or operator of the health facility. Appointment upon notice

(4) The Director is not required to give notice to or consult with the licensee or operator of the health facility before giving notice to the chief administrative officer of the governing, registering or licensing body of a health profession. Choice of notice

28.—(1) Upon receipt of notice under section 27, the chief administrative officer of the governing, registering or licensing body of a health profession shall appoint one or more persons in writing as assessors. Appointment of assessor

(2) The chief administrative officer shall report to the Director upon the officer's appointments of assessors under subsection (1) and upon the assessments made by them. Reports to Director

(3) The chief administrative officer shall make the reports at such times, in such form, in such detail and with such supporting material as is required by the Director. Time and form of reports

29.—(1) A notice by the Director to the licensee or operator of a health facility under section 27 shall state that the Director intends to require an assessment of the quality and the standards of services provided in the health facility and Notice to operator or licensee

that the licensee or operator may consult with the Director in respect of the person or persons to be appointed as assessors.

Appointment
of assessor

(2) Where the Director and the licensee or operator agree upon the person or persons to be appointed, the Director may appoint the person or persons to make the assessment.

Qualifications
of assessor

(3) An assessor appointed under this section,

(a) must be a physician if the services are provided by a physician in the health facility; and

(b) must not be a public servant within the meaning of the *Public Service Act*.

R.S.O. 1980,
c. 418

Reports

(4) An assessor appointed under this section shall report to the Director and to the Registrar in such form, in such detail, with such supporting material and at such times as the Director or the Registrar, or both, requires.

Notice to a
chief
adminis-
trative officer

(5) If the Director and the licensee or operator do not agree upon the person or persons to be appointed, the Director may give notice to the chief administrative officer of the governing, registering or licensing body of a health profession under section 27.

Powers of
assessor

30.—(1) An assessor, after giving written notice to the licensee or operator of a health facility, for the purposes of assessing the medical care provided to one or more persons in the health facility, may,

(a) inspect and receive information from medical records or from notes, charts and other material relating to patient care and reproduce and retain copies thereof; and

(b) interview the licensee or operator and members of the staff of the health facility on matters that relate to the quality and standards of service provided in the health facility.

Notice by
assessor

(2) A notice under subsection (1) shall, where practicable, state the subject-matter of the interview and the identity, if known, of the person or persons to be interviewed.

Notice by
licensee or
operator

(3) A licensee or operator who receives written notice under subsection (1) shall forthwith give written notice to each person who may be interviewed of the subject-matter of the interview.

(4) The notice by the licensee or operator shall inform the person that the person is entitled to be represented by legal counsel.

Legal
representation

31.—(1) It is the function of an assessor to carry out assessments of the quality and the standards of services provided in independent health facilities.

Assessment

(2) It is a condition of every licence that the licensee and the staff and employees of the licensee shall co-operate fully with an assessor carrying out an assessment of an independent health facility operated by a licensee.

Co-operation
by licensees

(3) The co-operation required of a licensee includes,

Idem

(a) permitting the assessor to enter and inspect the premises of the independent health facility;

(b) permitting the assessor to inspect records, including patient records;

(c) providing to the assessor information requested by the assessor in respect of records, including patient records, or the care of patients in the independent health facility;

(d) providing the information mentioned in clause (c) in the form requested by the assessor;

(e) permitting the assessor to make or take and remove samples of any substance on the premises of the independent health facility;

(f) providing samples mentioned in clause (e) as requested by the assessor; and

(g) conferring with the assessor when requested to do so by the assessor.

32.—(1) An inspector appointed by the Registrar may, at any reasonable time, without a warrant, enter any premises of a health facility to make an inspection,

Inspection of
health
facilities

(a) in respect of a health facility operated by a person not licensed under this Act, to determine whether there is or has been a contravention of section 3; and

(b) in respect of a health facility operated under subsection 7 (3) by a person not licensed under this

Act, to ensure that the quality and standards of services provided in the facility comply with the regulations or, in the absence of regulations, conform to the generally accepted quality and standards for the health facility and the service or services provided in such a health facility.

Inspector
appointed by
Minister

(2) An inspector appointed by the Minister may, at any reasonable time, without a warrant, enter any premises of an independent health facility operated by a person licensed under this Act, to make an inspection to ensure that this Act and the regulations, and the limitations and conditions, if any, of the licence, are being complied with.

Search of
premises
other than
health
facilities

(3) Where an inspector has reasonable ground to believe that there is in any premises, other than a health facility, any thing that there is reasonable ground to believe will afford evidence as to the commission of an offence under this Act or in relation to the establishment or operation of an independent health facility licensed under this Act, the inspector may apply under section 142 of the *Provincial Offences Act* for a warrant to enter and search the premises.

R.S.O. 1980,
c. 400

Private
residence

(4) Subsection (1) is not authority to enter a private residence without the consent of an occupier, except under the authority of a warrant under section 33.

Exempt
health
facilities

(5) Subsection (1) is authority to enter a health facility that is, under section 2, otherwise exempt from the application of this Act.

Powers on
inspection

(6) Upon an inspection under this section, the inspector,

- (a) has the right to inspect the premises and the operations carried out on the premises;
- (b) has the right to free access, at any reasonable time, to all books of account, documents, correspondence and records, including payroll, employment, patient and drug records and any other records that are relevant for the purposes of the inspection, regardless of the form or medium in which such records are kept, but if such books, documents, correspondence or records are kept in a form or medium that is not legible, the inspector is entitled to require the person apparently in charge of them to produce a legible physical copy for examination by the inspector;
- (c) has the right to remove, upon giving a receipt therefor and showing the certificate of appointment

issued by the Minister, any material referred to in clause (b) that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that the material is promptly returned to the person apparently in charge of the premises from which the material was removed;

- (d) has the right, at any reasonable time, to make and take or require to be made or taken samples of any substance on the premises;
- (e) has the right to remove, upon giving a receipt therefor and showing the certificate of appointment issued by the Minister, any sample referred to in clause (d) that relates to the purpose of the inspection for the purpose of making an analysis thereof; and
- (f) may question a person on matters that are or may be relevant to an inspection under this Act, subject to the person's right to have counsel or some other representative present during the examination.

(7) It is a condition of every licence that the licensee and the staff and employees of the licensee shall co-operate fully with an inspector carrying out an inspection of an independent health facility operated by a licensee.

Co-operation
by licensees

33.—(1) A provincial judge or justice of the peace may issue a warrant in the form prescribed by the regulations where the judge or justice is satisfied upon application by an inspector, on information upon oath, that there is reasonable ground for believing that it is necessary to do anything set out in clause 32 (6) (a), (b), (c), (d) or (e) in respect of a health facility and,

Warrant to
enter and
inspect

- (a) no occupier is present to grant access to a premises that is locked or otherwise inaccessible;
- (b) no occupier is present to grant access to a private residence; or
- (c) an occupier of the premises,
 - (i) has denied an inspector entry to the premises,
 - (ii) has instructed an inspector to leave the premises,
 - (iii) has obstructed an inspector,

(iv) has refused to produce to an inspector any material referred to in clause 32 (6) (b), or

(v) has refused to make or take a sample as required in clause 32 (6) (d).

Authority
given by
warrant

(2) A warrant issued under subsection (1) authorizes the inspector to whom it is issued, by force if necessary, and together with such police officer or officers as the inspector calls upon for assistance, to do anything set out in clause 32 (6) (a), (b), (c), (d) or (e) and specified in the warrant.

Execution of
warrant

(3) A warrant issued under subsection (1) shall be executed at reasonable times.

Expiry of
warrant

(4) A warrant issued under subsection (1) shall state the date on which it expires, which shall be a date not later than fifteen days after the warrant is issued.

Application
without
notice

(5) A provincial judge or justice of the peace may receive and consider an application for a warrant under subsection (1) without notice to and in the absence of the owner or occupier of the premises.

Admissibility
of copies

34.—(1) Copies of material removed from premises under this Act and certified as being true copies of the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the material of which they are copies.

Analysis
report as
evidence

(2) A certificate or report of an analysis of a sample removed from premises under this Act that purports to be signed by the laboratory technician who carried out the analysis shall be received in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate or report without proof of the signature or position of the person appearing to have signed the certificate or report.

Obstruction
of inspector

35. No person shall obstruct an inspector or withhold or conceal from an inspector any book, document, correspondence, record or thing relevant to the subject-matter of an inspection.

Definitions

36.—(1) In this section,

R.S.O. 1980,
c. 197

“Board” means the Health Services Appeal Board under the *Health Insurance Act*;

“Plan” means the Ontario Health Insurance Plan referred to in section 10 of the *Health Insurance Act*.

(2) Where the Director is satisfied that a person has paid a facility fee all or part of which was charged in contravention of section 3, the Director may direct that the amount of the facility fee that was charged in contravention of section 3 be paid to the person out of the Plan.

Plan to
reimburse
facility fee

(3) The person who charged the facility fee referred to in subsection (2) is indebted to the Plan for an amount equal to the amount paid out of the Plan under subsection (2) and the administrative charge prescribed by the regulations.

Fee is debt
to Plan

(4) If the person who charged the facility fee referred to in subsection (2) is a person who submits accounts directly to the Plan, then, subject to subsections (5), (6) and (8), part or all of the money owed to the Plan under subsection (3) may be recovered by set-off against any money payable to the person by the Plan.

Set-off
against Plan

(5) The Director shall serve notice of the proposed set-off referred to in subsection (4), together with written reasons therefor, on the person who is indebted to the Plan.

Notice of
proposed
set-off

(6) A notice under subsection (5) shall inform the person that he or she is entitled to a hearing by the Board if the person mails or delivers, within fifteen days after the notice under subsection (5) is served on the person, notice in writing requiring a hearing to the Director and the Board, and the person may so require a hearing.

Notice
requiring
hearing by
Board

(7) Where a person does not require a hearing by the Board in accordance with subsection (6), the proposed set-off stated in the notice under subsection (5) may be carried out.

Powers
where no
hearing

(8) Where a person requires a hearing by the Board, the Board shall appoint a time for and hold the hearing and the Board may by order direct that the proposed set-off be carried out or refrained from being carried out, and for such purposes, the Board may substitute its opinion for that of the Director.

Powers of
Board where
hearing

(9) The Board may extend the time for the giving of notice requiring a hearing by a person under this section either before or after expiration of such time where it is satisfied that there are grounds for granting relief to the person following upon a hearing and that there are reasonable grounds for applying for the extension, and the Board may give such directions as it considers proper consequent upon the extension.

Extension of
time for
requiring
hearing

ss. 21, 22
apply

(10) Sections 21 and 22 apply with necessary modifications to a hearing and decision by the Board under this section.

Disclosure of
information
R.S.O. 1980,
c. 197

(11) Despite subsection 44 (1) of the *Health Insurance Act*, the General Manager may furnish to,

- (a) a member of the Board;
- (b) the person who was charged or who paid the facility fee;
- (c) the person who charged or accepted payment of the facility fee and counsel for the person;
- (d) any person engaged in the administration of this Act or the regulations or any proceedings under this Act or the regulations;
- (e) any other person with the consent of the person to whom the services were provided in respect of which the facility fee was charged,

information pertaining to the nature of the services provided, the date or dates on which the services were provided and for whom, the name and address of the person who provided the services, the amounts paid or payable by the Plan for such services, and the persons to whom the fee for the insured service and the facility fee were paid or are payable, for the purpose of this section.

Definition

37.—(1) In this section, “confidential information” means information obtained by a person employed in the administration of this Act or making an assessment or inspection under this Act in the course of the person’s employment, assessment or inspection and that relates to a patient or former patient of a health facility.

Confiden-
tiality of
information

(2) No person shall communicate confidential information to any person except in accordance with subsection (4).

Application

(3) Subsection (2) applies to any person whether or not the person is or was employed in the administration of this Act or is or was an inspector or assessor under this Act.

Communi-
cation of
confidential
information

(4) A person employed in the administration of this Act, an assessor or inspector under this Act or any person who obtains confidential information pursuant to this subsection may communicate confidential information,

- (a) in connection with the administration or enforcement of any Act or any proceedings under any Act;
- (b) in connection with matters relating to professional disciplinary proceedings, to a statutory body governing a health profession;
- (c) to the person's counsel; or
- (d) with the consent of the patient or former patient to whom the information relates.

(5) No person employed in the administration of this Act or who made an inspection or assessment under this Act shall be required to give testimony in a civil action or proceeding with respect to any information obtained in the course of the person's employment, assessment or inspection except in a proceeding under an Act or a regulation under an Act.

Testimony by
officials in
civil suits

(6) A provincial offences court may exclude the public from proceedings to enforce any Act if the court is of the opinion that confidential information may be disclosed of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure of that information in the interests of any patient or former patient to whom it relates outweighs the desirability of adhering to the principle that hearings be open to the public.

Closed
proceedings

38. No action or other proceeding for damages shall be commenced against an inspector, an assessor, the Director, the Registrar, the Council of the College or a committee established by the Council, the Board, or a member of the Council, the committee or the Board for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act or the regulations, or for any neglect or default in the performance or exercise in good faith of such power or duty.

Immunity

39.—(1) Every person who contravenes section 3, 11, 35 or 37 is guilty of an offence.

Offences

(2) Every person who contravenes section 13, 14, 15 or 16 is guilty of an offence.

Corporate
offences

(3) Every person who contravenes the regulations is guilty of an offence.

Breach of
regulations

(4) Every person who is guilty of an offence under this section is liable on conviction for each day or part of a day on which the offence occurs or continues to a fine of not more

Penalty

than \$5,000 on a first conviction and not more than \$10,000 on each subsequent conviction.

Corporation

(5) Where a corporation is convicted of an offence under this section, the maximum penalty that may be imposed for every day or part of a day on which the offence occurs or continues is \$25,000 on a first conviction and \$50,000 on each subsequent conviction, and not as provided in subsection (4).

Penalty

(6) Every person who is guilty of an offence under this section for contravention of section 11 or subsection 13 (2) is liable on conviction, in addition to any fine under subsection (4) or (5), to a fine not exceeding the amount of money or the value of the consideration paid, transferred, accepted or received in contravention of section 11 or subsection 13 (2).

Restraining order

40.—(1) In addition to any other remedy and to any penalty imposed by law, a contravention of section 3 may be restrained by action at the instance of the Attorney General.

Restraining order upon conviction

(2) Upon its own initiative or upon application by counsel for the prosecutor, the court that convicts a person of an offence under this Act, in addition to any other remedy and to any penalty imposed by law, may make an order prohibiting the continuation or repetition by the person of the action that constitutes the offence.

Annual Report

41. The Minister shall annually prepare a report on the implementation of this Act and submit it to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next session.

Regulations

42.—(1) The Lieutenant Governor in Council may make regulations,

1. exempting any health facility or class of health facility from the application of this Act or the regulations or any provision thereof;
2. governing the process for submitting proposals;
3. governing applications for renewals of licences;
4. prescribing forms and providing for their use;
5. prescribing fees for licences, for transfers of licences and for renewals of licences;
6. classifying health facilities or independent health facilities;

7. respecting and governing the care, treatment and services provided in independent health facilities or any class thereof;
8. prescribing and governing the quality and the standards of services provided in independent health facilities or any class thereof;
9. prescribing and governing the quality and the standards of independent health facilities or any class thereof;
10. prescribing and governing the requirements for staff and employees of independent health facilities or any class thereof;
11. prescribing and governing the construction, establishment, location, equipment, maintenance and repair of, additions and alterations to, and operations of independent health facilities or any class thereof;
12. prescribing the books, records and accounts that shall be kept by licensees including their form and content and the place or places where they shall be kept;
13. requiring the accounts of independent health facilities to be audited and requiring the licensees to furnish such information or accounts as may be required by the Director;
14. prescribing and governing the records that shall be kept by licensees with respect to the care and treatment of patients of the independent health facility;
15. governing the reports and returns that shall be made to the Director by licensees;
16. requiring and governing the system or systems that shall be kept by licensees to monitor the results of the services provided in independent health facilities or any class thereof;
17. governing access to patient or drug records and specifying persons who may have access to such records;
18. prescribing other duties of assessors;

19. prescribing other duties of inspectors;
20. classifying services;
21. exempting any service or class of service from the application of this Act or the regulations or any provision thereof;
22. prescribing services, classes of services and operating costs that are not part of an insured service and that do not support, assist and are not a necessary adjunct, or any of them, to an insured service;
23. prescribing services, classes of services and operating costs that are part of the insured service;
24. prescribing any services, any classes of services and any operating costs that are not part of an insured service and that support, assist and are a necessary adjunct, or any of them, to the insured service;
25. prescribing the maximum amount a person may charge for services or operating costs prescribed under paragraph 24;
26. prescribing conditions that shall attach to licences of independent health facilities or any class or classes thereof;
27. prescribing administrative charges for the purposes of section 36;
28. governing and restricting the disposition and transfer of the assets of independent health facilities;
29. prescribing the maximum allowable consideration in relation to a licence or prescribing a method for determining the maximum allowable consideration;
30. prescribing the allocation of the maximum allowable consideration in relation to a licence held by a corporation among the shares of the corporation or prescribing a method for determining the allocation;
31. making any regulation made under paragraphs 1 to 30 applicable to independent health facilities operated under subsection 7 (3) or to the persons who operate the facilities;

32. exempting any person who operates a health facility that is approved, licenced or designated under any other Act or any class of such persons from the application of this Act or the regulations or any provision thereof.

(2) A regulation may be general or particular in its application. Scope of regulations

(3) In a regulation made under paragraph 29 or 30, the Lieutenant Governor in Council may delegate the determination of any matter to the Minister or persons the Minister may designate in writing. Delegation in regulations

COMPLEMENTARY AMENDMENT

43.—(1) Subsection 51 (1) of the *Health Insurance Act*, being chapter 197 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:

- (ja) prescribing constituent elements that are part of insured services rendered by physicians or by practitioners;
- (jb) prescribing constituent elements that shall be deemed not to be part of insured services rendered by physicians or by practitioners.

(2) Section 51 of the said Act is amended by adding thereto the following subsection:

(4) The Lieutenant Governor in Council may make regulations under clause (1) (j) prescribing services that are insured services without prescribing any amounts payable by the Plan for those services. Services designated without prescribing amounts payable

(3) The said section 51 is further amended by adding thereto the following subsection:

(5) A regulation may prescribe an amount payable by the Plan for an insured service rendered in a hospital that has been approved under the *Public Hospitals Act* without prescribing an amount payable if the service is rendered in a health facility operated by a person to whom subsection 7 (7) of the *Independent Health Facilities Act*, 1989 applies. Fees related to independent health facilities
R.S.O. 1980, c. 410
1989, c. 59

Commence-
ment

44. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

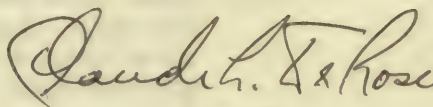
45. The short title of this Act is the *Independent Health Facilities Act, 1989*.

Bill 150

(Chapter 12
Statutes of Ontario, 1990)

An Act to amend the Vital Statistics Act

The Hon. G. Sorbara
Minister of Consumer and Commercial Relations



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	April 18th, 1990
<i>2nd Reading</i>	June 27th, 1990
<i>3rd Reading</i>	June 28th, 1990
<i>Royal Assent</i>	June 28th, 1990

1850

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Bill 150

1990

An Act to amend the Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 1 (r) of the *Vital Statistics Act* is repealed and the following substituted: R.S.O. 1980,
c. 524

(r) “prescribed”, except in subsection 22 (2), means prescribed by the regulations.

(2) Section 1 of the Act, as amended by the Statutes of Ontario, 1986, chapter 9, section 1, is further amended by adding the following clause:

(sa) “regulations” means the regulations made under this Act.

2. Subsections 2 (2) and (3) of the Act are repealed and the following substituted:

(2) The Registrar General shall, upon receipt, cause the registrations of births, marriages, deaths, still-births, adoptions, divorces and changes of name occurring in Ontario and all other documents required or permitted to be given to the Registrar General to be numbered in separate series according to calendar year. Registrations
to be
numbered

(3) The Registrar General shall cause the registrations and other documents to be indexed separately according to calendar year. Indexed

(4) The Registrar General shall cause the registrations and other documents to be systematically filed. Filed

(5) Subject to section 3b, the Registrar General shall cause the registrations and other documents to be kept safely by administrative, physical and technological safeguards that are reasonable and are consistent with this Act. Safekeeping
of
registrations

3. Subsections 3 (2) and (3) of the Act are repealed and the following substituted:

Registration
not signed

(2) If a registration received from a division registrar is incomplete as to a required signature, the Registrar General shall cause the registration to be returned, in order that the signature may be obtained, to,

(a) the proper division registrar; or

(b) the person required to make the registration.

Classification
by causes of
death

(3) The Registrar General shall cause all deaths registered under this Act to be classified according to the classification of diseases adopted by reference in the regulations.

4. The Act is amended by adding the following sections:

Registrations
to be
recorded

3a.—(1) The Registrar General may cause the registrations and other documents referred to in subsection 2 (2), whether received before or after this section comes into force, to be accurately recorded by any technology, if an accurate and easily readable paper copy of the registration or other document can be made from the record.

Documents
to be
recorded

(2) The Registrar General may cause any other documents related to the registrations to be recorded as provided in subsection (1).

Notation
added
directly to
record

(3) The Registrar General may use the technology referred to in subsection (1) to add a notation or any other information directly to a record.

Application

(4) This Act applies with the necessary modifications that are consistent with this Act to the records made under this section.

Definitions
R.S.O. 1980,
c. 27

3b.—(1) In this section, “Archives” and “Archivist” have the same meaning as in the *Archives Act*.

Registrations
transferred to
Archives

(2) The Registrar General may cause those registrations and records that are prescribed, and related indexes and documents, to be transferred to the Archives.

Authority of
Archivist

(3) The Archivist is authorized and directed to receive and maintain the registrations, records, indexes and documents transferred under subsection (2) as if they were transferred under the *Archives Act*.

(4) Despite subsection (3), the Registrar General shall, for the purpose of administering this Act, have access to any registration, record, index or document that was transferred to the Archives.

Access by
Registrar
General

(5) The Registrar General and the Archivist are authorized to enter into agreements respecting any matter related to the registrations, records, indexes and documents transferred under this section.

Agreements

5. Subsection 4 (2) of the Act is repealed and the following substituted:

(2) The Registrar General may appoint inspectors of vital statistics who shall perform the duties that are prescribed.

Inspectors

6. The Act is further amended by adding the following section:

4a.—(1) The Registrar General shall have a seal of office.

Seal of office

(2) The seal of office may be reproduced in any manner and has the same effect whether it is manually applied or otherwise reproduced.

Idem

7. Clause 11 (2) (a) of the Act is amended by striking out “subsection 6 (1)” in the last line and substituting “section 6”.

8. Subsection 14 (1) of the Act, as amended by the Statutes of Ontario, 1986, chapter 9, section 4, is repealed and the following substituted:

(1) In the case of a still-birth in Ontario, the person who is required to certify a death under subsection 17 (2) shall complete, certify and deliver a statement in the prescribed form respecting the still-birth to the funeral director in charge of the body.

Statement re
still-births

9. Subsections 17 (3) and (4) of the Act are repealed and the following substituted:

(3) Subject to subsection (4), any legally qualified medical practitioner who has been in attendance during the last illness of a deceased person or who has sufficient knowledge of the last illness shall forthwith after the death complete and sign a medical certificate of death in the prescribed form, stating the cause of death according to the classification of diseases adopted by reference in the regulations, and shall deliver the medical certificate to the funeral director or other person in charge of the body.

Medical
certificate of
death

Coroner's
case
R.S.O. 1980,
c. 93

(4) In the case of a death of which the coroner is required to be notified under section 10 of the *Coroners Act*, the coroner notified shall, as soon as the cause of death is known, complete and sign a medical certificate of death in the prescribed form, stating the cause of death according to the classification of diseases adopted by reference in the regulations, and shall deliver the medical certificate to the funeral director or other person in charge of the body.

10. Section 29 of the Act is repealed.

11. Section 30 of the Act is amended by adding the following subsection:

Old
certificates to
be returned

(4a) Any person in possession or control of a certificate or certified copy of a registration issued before the registration was corrected shall return the certificate or certified copy to the Registrar General forthwith upon demand.

12. Section 31 of the Act, as amended by the Statutes of Ontario, 1986, chapter 9, section 7, is further amended by adding the following subsection:

Old
certificates to
be returned

(3a) Any person in possession or control of a certificate or certified copy of a birth registration issued before the registration was cancelled under subsection (1) shall return the certificate or certified copy to the Registrar General forthwith upon demand.

13. Section 32 of the Act, as amended by the Statutes of Ontario, 1983, chapter 34, section 2, is further amended by adding the following subsection:

Old
certificates to
be returned

(4a) Any person in possession or control of a certificate or certified copy of a birth registration issued before the making of a notation under subsection (4) shall return the certificate or certified copy to the Registrar General forthwith upon demand.

14. Clause 35 (i) of the Act is repealed and the following substituted:

- (i) call attention to any errors in a statement of personal particulars or medical certificate of death that is incomplete or unsatisfactory, and withhold the issuance of the acknowledgment of registration of death and the burial permit until the errors have been corrected.

15. Section 42 of the Act is repealed and the following substituted:

42.—(1) A certificate purporting to be issued under section 40 or a certified copy of a registration purporting to be issued under section 41 signed by the Registrar General or Deputy Registrar General or on which the signature of either of them is reproduced by any method is admissible in any court in Ontario as proof, in the absence of evidence to the contrary, of the facts so certified, and it is not necessary to prove the signature or official position of the person by whom the certificate or certified copy purports to be signed.

Admissibility
of certi-
ficates, etc.

(2) Subsection (1) applies to a certificate or certified copy of a registration produced from a record of the registration made under section 3a.

Idem, made
from record

(3) The paper copy made from the record of a document, other than a registration, that is made under section 3a is admissible in evidence to the same extent as an original document.

Admissibility
of paper
copy of a
record

16. Subsection 44 (2) of the Act is repealed.

17. Subsection 44 (3) of the Act, as re-enacted by the Statutes of Ontario, 1986, chapter 9, section 11, is amended by striking out “or (2)” in the second line.

18. Section 48 of the Act is repealed and the following substituted:

48.—(1) The Registrar General, if satisfied that a registration was fraudulently or improperly obtained, may order that the registration be cancelled and may order the return of any certificate or certified copy of a registration that was issued before the registration was cancelled.

Registration
unlawfully
obtained

(2) The Registrar General shall cause the order to be affixed to the cancelled registration and, if satisfied as to the correctness and sufficiency of new evidence presented to him or her, may cause a new registration to be made.

New
registration

(3) The Registrar General, if satisfied that a certificate or certified copy of a registration was obtained or used for fraudulent or improper purposes, may order the return of the certificate or certified copy.

Certificate or
certified copy
used
improperly

(4) Any person in possession or control of a certificate or certified copy of a registration that is the subject of an order

Certificates
or certified
copies to be
returned

under subsection (1) or (3) shall return it to the Registrar General forthwith.

Requirement
re hearing

(5) Before making an order under subsection (1) or (3), the Registrar General shall give to such interested parties as the Registrar General considers proper an opportunity to be heard on the matter.

19. Section 55 of the Act, as amended by the Statutes of Ontario, 1986, chapter 9, section 17 and 1987, chapter 4, section 13, is further amended by adding the following clauses:

- (w) adopting by reference, in whole or in part, and with changes that the Lieutenant Governor in Council considers necessary, any classification of diseases for the purposes of this Act;
- (x) prescribing registrations and records to be transferred under section 3b (transfer to the Archives of Ontario).

Commence-
ment

20. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

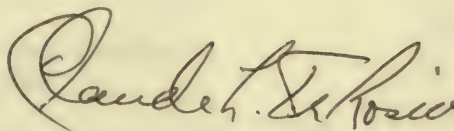
21. The short title of this Act is the *Vital Statistics Amendment Act, 1990*.

Bill 160

(Chapter 13
Statutes of Ontario, 1990)

An Act to amend the Tobacco Tax Act

The Hon. R. Mancini
Minister of Revenue



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	April 24th, 1990
<i>2nd Reading</i>	June 28th, 1990
<i>3rd Reading</i>	June 28th, 1990
<i>Royal Assent</i>	June 28th, 1990

Bill 160

1990

An Act to amend the Tobacco Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 1 (a) of the *Tobacco Tax Act* is amended by striking out “but does not include a dealer” in the twelve and thirteenth lines. R.S.O. 1980,
c. 502

(2) Section 1 of the Act, as amended by the Statutes of Ontario, 1981, chapter 4, section 1 and 1985, chapter 22, section 1, is further amended by adding the following clauses:

(ba) “designated warehouse” means a location designated by the Minister for the purpose of storing unmarked cigarettes;

(bb) “exporter” means a person who takes or causes to be taken out of Ontario tobacco in bulk and who may be accountable for the tax on such tobacco to the jurisdiction receiving the tobacco;

(bc) “importer” means a person who brings or causes to be brought into Ontario tobacco in bulk;

(bd) “interjurisdictional transporter” means the operator of a motor vehicle, the operator or shipping agent of record of a vessel, the operator of railway equipment on rails or the operator of an aircraft who engages in the transportation of tobacco in bulk and who operates for such purposes,

(i) one or more motor vehicles licensed or required to be licensed under the *Highway Traffic Act* inside and outside Ontario, R.S.O. 1980,
c. 198

(ii) one or more vessels under the *Canada Shipping Act*, R.S.C. 1985,
c. S-9

R.S.C. 1985.
c. A-2
1987, c. 34
(Can.)

(iii) railway equipment on rails in connection with and as part of a public transportation system inside and outside Ontario, or

(iv) aircraft, the operator of which is approved as a carrier of goods or passengers under the *Aeronautics Act* (Canada) or regulations made thereunder, or the *National Transportation Act, 1987* (Canada), or regulations made thereunder,

and includes the consignee or consignor of tobacco in bulk who is not the holder of a permit to mark cigarettes;

(be) “manufacturer” means a person who manufactures, fabricates or produces tobacco products for distribution, sale or storage in Ontario;

(bf) “marked cigarettes” mean packages of cigarettes, cartons and cases that are marked or stamped with an indicium as required under the regulations;

(bg) “mark-point” means a location designated by the Minister for the purposes of marking cigarettes;

.

(ca) “motor vehicle” means a machine operated, propelled or driven otherwise than by muscular power;

(cb) “operator” means, when used with reference to a motor vehicle other than a motor vehicle designed for use as a vessel, an aircraft or railway equipment operated on rails,

(i) the registered owner, provided the motor vehicle is not leased to another person or, if leased, that the period of the lease is less than thirty-one consecutive days, or

(ii) the lessee, if the motor vehicle is leased for more than thirty consecutive days;

.

(da) “prescribed” means prescribed by the regulations;

(db) "registered importer" means an importer to whom a registration certificate has been issued under this Act;

(dc) "registered wholesaler" means a wholesaler to whom a wholesaler's permit has been issued under this Act;

.

(ga) "tax" includes penalties and interest;

.

(ha) "tobacco in bulk" means 10,000 or more cigarettes, 200 or more cigars, or ten kilograms or more of any tobacco, other than cigarettes or cigars.

(3) Clause 1 (j) of the Act is repealed and the following substituted:

(j) "wholesaler" means a person who sells in Ontario tobacco for the purpose of resale, and includes a person who operates or maintains one or more cigarette vending machines in, at or upon premises owned or occupied by another person.

2.—(1) Clauses 2 (1) (a) and (b) of the Act, as re-enacted by the Statutes of Ontario, 1988, chapter 65, section 1, are repealed and the following substituted:

(a) 4.83 cents on every cigarette purchased by the consumer;

(b) 4.83 cents on every gram or part thereof of any tobacco, other than cigarettes or cigars purchased by the consumer; and

.

(2) Subsection 2 (2) of the Act is amended by striking out "prescribed by the regulations" in the fifth line and substituting "provided under this Act".

(3) Subsection 2 (4) of the Act is amended by adding at the end thereof "and, for the purposes of the assessment and collection of such payment, the person receiving such payment as or in lieu of the tax payable under this Act is deemed to be a collector".

(4) Subsection 2 (5) of the Act, as enacted by the Statutes of Ontario, 1982, chapter 17, section 1, is repealed and the following substituted:

Assignment
of book
debts

(5) Where a collector or a registered importer has made an assignment of his or her book debts, whether by way of specific or general assignment, or in any other manner disposes of his or her present or future right to collect his or her book debts, the assignment does not include the portion of the book debts that the collector or importer, as agent for the Minister, charged the person to whom he or she sold the tobacco as tax under this Act, and any such assignee or any other person who collects the book debts shall be deemed to be a collector under this Act and shall collect, remit and account under this Act and the regulations for the unassigned portion.

(5) Section 2 of the Act, as amended by the Statutes of Ontario, 1981, chapter 4, section 2, 1982, chapter 17, section 1, 1983, chapter 25, section 1, 1985, chapter 22, section 2, 1986, chapter 41, section 1 and 1988, chapter 65, section 1, is further amended by adding the following subsections:

Liability for
tax

(6) Every consumer is liable for the tax imposed by this Act until the consumer has paid it.

Offence

(7) Every person who knowingly fails to pay the tax imposed by this section when required by this Act to do so is guilty of an offence and on conviction is liable to a fine of not less than \$200 and, if greater, not more than double the amount of the tax payable by that person.

Offence

(8) Every person who fails to comply with subsection (2) is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$50,000.

3. Section 3 of the Act is repealed and the following substituted:

Wholesaler's
permit

3.—(1) No person shall sell or deliver in Ontario tobacco for resale unless the person holds a wholesaler's permit issued to the person in such form and manner as the Minister requires.

Conditions
and
restrictions

(2) The Minister may, as a requirement for the issuance of a wholesaler's permit, impose such reasonable conditions and restrictions as the Minister considers appropriate.

Wholesaler's
permit
required

(3) No person shall purchase or receive delivery in Ontario of tobacco from a wholesaler who does not hold a whole-

saler's permit issued under this section or from an importer who does not hold a registration certificate issued under this Act.

(4) No wholesaler shall sell or deliver in Ontario tobacco to a person who does not hold a vendor's permit issued to the person under the *Retail Sales Tax Act*.

Sale to retail dealer

R.S.O. 1980, c. 454

(5) No person shall sell or deliver in Ontario tobacco to a consumer unless the person holds a vendor's permit issued to the person under the *Retail Sales Tax Act*.

Vendor's permit required

(6) Every wholesaler shall forthwith notify the Minister in writing of all changes in the name or nature of the wholesaler's business or of the termination of the business.

Change of business

(7) Every person who,

Offence

(a) operates as a wholesaler without obtaining a wholesaler's permit required under this section; or

(b) being the holder of such a permit contravenes any condition or restriction contained in the permit or any other requirements specified in this section,

is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$10,000, plus, in respect of a conviction under clause (a), to a fine of not less than three times the tax imposed on consumers under section 2 on all tobacco sold by the person during the period the person did not hold a wholesaler's permit.

4.—(1) Section 3a of the Act, as enacted by the Statutes of Ontario, 1988, chapter 65, section 2, is amended by striking out "prescribed by the regulations" in the fifth line and substituting "provided under this Act".

(2) Section 3a is further amended by adding the following subsections:

(2) Every collector shall collect the tax collectable and payable under this Act from every person to whom the collector sells or delivers tobacco in Ontario, and shall remit the tax, as well as the tax, if any, on all tobacco in respect of which the collector is a consumer, to the Treasurer at the times and in the manner required by this Act and the regulations.

Collection of tax by collector

(3) Subsection (2) does not apply to require a collector to collect tax under this Act on the sale by the collector of

Sale to another collector

tobacco to another collector who is not a consumer in respect of the tobacco.

Collection of
tax by retail
dealer

(4) Every retail dealer who is not a collector or a registered importer shall collect the tax on tobacco sold or delivered by the retail dealer to a consumer and pay the tax over to the collector, registered importer or registered wholesaler from whom the retail dealer purchased tobacco.

Collection of
tax by
wholesaler

(5) Every wholesaler who is not a collector or registered importer shall collect, as agent for the Minister, the tax imposed by this Act from the retail dealer to whom the wholesaler sells or delivers tobacco and shall pay the tax over to the collector or registered importer from whom the wholesaler purchased the tobacco.

Collection of
tax by
importer

(6) Every importer shall collect, as agent for the Minister, the tax collectable or payable under this Act from every person to whom the importer sells or delivers tobacco in Ontario, and shall remit the tax, as well as the tax, if any, in respect of which the importer is a consumer, to the Treasurer at the times and in the manner required by this Act and the regulations.

Agreements

(7) For the purpose of ensuring and facilitating the collection of tax under this Act, the Minister may enter into such arrangements and agreements as the Minister considers appropriate.

Offence

(8) Every collector, importer, wholesaler or retail dealer who refuses or neglects to collect tax in accordance with this Act is guilty of an offence and on conviction is liable to a fine of not less than the amount of tax that such person refused or neglected to collect, plus a fine of not less than \$500 and not more than \$10,000.

5. The Act is amended by adding the following sections:

Registration
certificate,
importer or
exporter

3b.—(1) Every importer of tobacco in bulk into Ontario and every exporter of tobacco in bulk out of Ontario shall apply for and the Minister shall issue a registration certificate in such form and manner as the Minister requires.

Conditions
and
restrictions

(2) The Minister may, as a requirement for the issuance of a registration certificate, impose such reasonable conditions and restrictions as the Minister considers appropriate.

Collection of
tax

(3) Every registered importer shall, at the times and in the manner required by this Act and the regulations, collect and remit to the Treasurer the tax collectable and payable under

this Act from every person to whom the registered importer has sold tobacco and the tax on all tobacco in respect of which the registered importer is a consumer.

(4) Subsection (3) does not apply to require a registered importer to collect tax under this Act on the sale of tobacco by the registered importer to a collector who is not a consumer in respect of the tobacco.

Sales to collector

(5) Every registered importer is deemed to be an agent of the Minister to collect the tax imposed by this Act from every person to whom the registered importer sells tobacco.

Agent to collect tax

(6) Every dealer who purchases or acquires tobacco from an importer who does not hold a registration certificate issued to the importer under this section shall, at the time and in the manner prescribed, remit to the Treasurer the tax collectable and payable on the tobacco purchased or acquired by the dealer.

Non-registered importer

(7) Every registered importer or exporter who is an inter-jurisdictional transporter shall keep in the possession of the driver of any motor vehicle operated on behalf of the importer or exporter a notarial copy of the registration certificate issued to the importer or exporter.

Inter-jurisdictional transporter

(8) A registered importer or exporter shall provide an interjurisdictional transporter transporting the importer's or exporter's tobacco with a notarial copy of the registration certificate issued to the importer or exporter.

Idem

(9) Every exporter shall forward to the Minister the prescribed information in respect of the tobacco to be exported in the prescribed form and manner.

Export of tobacco

(10) Following delivery of the tobacco by the exporter to a location outside Ontario, the exporter shall file the required return in the prescribed manner and provide evidence satisfactory to the Minister that the tobacco has been exported out of Ontario.

Return by exporter

(11) An exporter who fails to comply with subsections (9) and (10) shall pay a penalty, when assessed therefor, on the tobacco exported or to be exported equal to the tax that would be payable on the tobacco exported or to be exported had it been sold to a consumer in Ontario.

Penalty

(12) Every importer or exporter shall forthwith notify the Minister in writing of all changes in the name or nature of the

Notification

importer's or exporter's business or of the termination of the business.

Offence

(13) Every person who operates as an importer or exporter in Ontario without holding a registration certificate required by this section, or who contravenes any condition or restriction contained in the registration certificate issued to the person or who contravenes any other requirement specified in this section is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$10,000, plus, in respect of a conviction for operating as an importer or exporter without holding a registration certificate, to a fine of not less than three times the tax payable by consumers under section 2 on all tobacco imported into or exported out of Ontario by the person during the period the person did not hold a registration certificate.

Offence

(14) Every person who purchases or receives tobacco from an importer who does not hold a registration certificate issued under this Act is guilty of an offence and on conviction is liable to a fine of not less than the tax payable by a consumer under section 2 on the tobacco so purchased by the person.

Registration
certificate

3c.—(1) Every interjurisdictional transporter shall apply for and the Minister shall issue a registration certificate in such form and manner as the Minister requires.

Conditions
and
restrictions

(2) The Minister may, as a requirement for the issuance of a registration certificate, impose such reasonable conditions and restrictions as the Minister considers appropriate.

Uniform
manifest
form

(3) Every interjurisdictional transporter shall complete a uniform manifest form provided by the Minister in respect of every shipment of tobacco in bulk transported by the interjurisdictional transporter into or out of Ontario.

Transporter
to obtain
certificate

(4) Before undertaking to transport tobacco in bulk into or out of Ontario, an interjurisdictional transporter shall obtain the notarial copy of the registration certificate required to be provided under subsection 3b (8).

Possession of
documents

(5) When transporting tobacco in bulk, every interjurisdictional transporter shall keep in the possession of the driver of the motor vehicle in which the tobacco in bulk is being transported,

(a) the interjurisdictional transporter's registration certificate issued under subsection (1);

- (b) a uniform manifest form completed in accordance with subsection (3); and
- (c) if the tobacco in bulk is being transported for an importer or exporter, the notarial copy of the registration certificate obtained in accordance with subsection (4) or the transit permit issued under subsection 3g (1) to the owner of the tobacco in bulk being transported.

(6) Where any person authorized for the purpose by the Minister has reasonable cause to believe that an interjurisdictional transporter does not hold a registration certificate or is transporting tobacco in bulk on behalf of an exporter who does not hold a registration certificate issued under section 3b, the person may, without a warrant, stop and detain any vehicle being operated in Ontario by the interjurisdictional transporter and require the person to produce for examination the documents specified in subsection (5).

Detention of
vehicles

(7) Where, following a detention under subsection (6), the person fails to produce the documents specified in subsection (5), a person authorized for the purpose by the Minister may, without a warrant but subject to subsections (8), (9) and (11), seize, impound, hold and dispose of the tobacco, unless the interjurisdictional transporter complies with subsection (9).

Seizure, etc.,
of tobacco

(8) Despite subsection (7), no seizure, impounding, holding or disposal shall be made if the driver of the vehicle detained under subsection (6) provides proof satisfactory to the person making the detention,

No seizure,
etc.

- (a) that the driver holds a registration certificate issued under subsection (1);
- (b) as to the quantity and destination of the tobacco being transported; and
- (c) that the importer or exporter for whom the tobacco is being transported, if such is the case, holds a registration certificate under subsection 4a (1) or holds a transit permit issued under subsection 3g (1) to the owner of the tobacco being transported.

(9) Tobacco seized under subsection (7) shall be forfeited to Her Majesty to be disposed of as the Minister directs unless, within thirty days following the seizure, the person from whom the tobacco was seized, or the owner of the tobacco, pays to the Treasurer an amount, as a penalty, equal to

Penalty

the tax that would be payable under subsection 2 (1) if the tobacco were sold to a consumer in Ontario.

Application

(10) Where tobacco has been seized under subsection (7) and the person from whom the tobacco has been seized, or the owner of the tobacco, claims to have the right to possession of the tobacco, the person or owner may apply within thirty days following the seizure, to the Supreme Court to establish the right to possession of the tobacco.

Right to possession

(11) For the purposes of an application under subsection (10), the applicant has the right to possession of the tobacco if,

- (a) the driver of the vehicle, when the tobacco was seized, held a notarial copy of the registration certificate issued under this Act to the interjurisdictional transporter;
- (b) in the case of tobacco transported on behalf of an importer or exporter, the driver of the vehicle, when the tobacco was seized, held a notarial copy of the registration certificate issued under this Act to the importer or exporter or held a notarial copy of the transit permit issued under this Act to the owner of the tobacco; and
- (c) the driver of the vehicle, when the tobacco was seized, held a uniform manifest form completed in accordance with this Act, or the operator of the vehicle delivered the completed uniform manifest form to the Minister within five days of the seizure.

Disposition of application

(12) If, upon application under subsection (10), the court is satisfied that the applicant has the right to possession of the tobacco, the court may order the tobacco be returned to the applicant or that the proceeds of sale of the tobacco be paid to the applicant.

Disposal of tobacco pending disposition

(13) If a final order is not made under subsection (12) within sixty days after the filing of the application under subsection (10), the Minister may dispose of the tobacco and retain the proceeds pending the determination of the application.

Forfeiture of tobacco

(14) Upon dismissal of the application under subsection (12) and the expiry of the appeal period therefrom, the tobacco is forfeited to Her Majesty to be disposed of as the Minister directs.

(15) If a sale of tobacco is directed under subsection (9) or (14) or if the proceeds of the sale are retained under subsection (13) and the application is dismissed, the proceeds of the sale remaining after payment of the costs incurred by the Minister in seizing, storing and disposing of the tobacco and after payment of the penalty under subsection (9) shall be paid to the person from whom the tobacco was seized or to the owner of the tobacco.

Payment of
proceeds of
sale

(16) Every interjurisdictional transporter transporting tobacco in bulk into or out of Ontario who fails to produce any of the documents required to be kept in the possession of the driver under subsection (5) is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$1,000 for each document not produced.

Offence

3d.—(1) Every manufacturer shall apply for and the Minister shall issue a registration certificate in such form and manner as the Minister requires.

Registration
certificate

(2) The Minister may, as a requirement for the issuance of a registration certificate, impose such reasonable conditions and restrictions as the Minister considers appropriate.

Conditions
and
restrictions

(3) Every manufacturer shall forthwith notify the Minister of all changes in the name or nature of the manufacturer's business or of the termination of the business.

Change of
business

(4) Every person who operates as a manufacturer in Ontario without holding a registration certificate required by this section, or who, being the holder of a registration certificate, contravenes any condition or restriction contained in the registration certificate or any other requirement specified in this section, is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$10,000, plus, in respect of a conviction for operating as a manufacturer without holding a registration certificate, to a fine of not less than an amount equal to three times the tax imposed on consumers under section 2 on all tobacco manufactured by the person during the period the person did not hold a registration certificate.

Offence

3e.—(1) No person shall sell to a consumer required to pay tax under this Act a package of cigarettes or a carton or case that contains packages of cigarettes unless the package, carton or case is marked or stamped in accordance with the regulations.

Prohibition,
sale of
unmarked
package, etc.

Permit to
mark
cigarettes

(2) No person shall mark packages of cigarettes, cartons or cases unless the person holds a permit to mark cigarettes issued to the person under the regulations.

Permit to
stamp
cigarettes

(3) No person shall stamp packages of cigarettes, cartons or cases unless the person holds a permit to stamp cigarettes issued to the person under the regulations.

Idem

(4) The Minister may, as a requirement for the issuance of a permit to mark or stamp cigarettes under the regulations, impose such reasonable conditions and restrictions as the Minister considers appropriate.

Mark-point

(5) The Minister may specify the number and location of mark-points that the holder of a permit to mark or stamp cigarettes may establish and operate and the person shall not mark or stamp cigarettes at any other location.

Storage of
unmarked
cigarettes

(6) No person shall store unmarked cigarettes at a location other than a mark-point or a designated warehouse.

Cancellation
of permit

(7) The Minister may cancel or suspend a permit to mark or stamp cigarettes issued to a person who permits the marking or stamping of cigarettes at a location not specified by the Minister under subsection (5).

Accounting
for indicia

(8) Every holder of a permit to stamp cigarettes shall account for all indicia received from the Minister as required by the regulations.

Penalty

(9) Any indicia for which the holder of a permit to mark or stamp cigarettes fails to account under the regulations shall be deemed to have been affixed to packages of cigarettes or cartons, as the case may be, and sold to consumers liable to pay tax under this Act, and the holder of the permit shall pay a penalty equal to the tax, when assessed therefor.

Offence

(10) Every person who marks or stamps cigarettes without holding a permit issued by the Minister under the regulations, or who, being the holder of a permit, contravenes any condition or restriction contained in the permit or any other requirement specified in this section, is guilty of an offence and on conviction is liable to a fine of not less than \$500 and not more than \$10,000, plus, in respect of a conviction for marking or stamping cigarettes without holding a permit, to a fine of not less than an amount equal to three times the tax imposed on consumers under section 2 on all packages of cigarettes or cartons marked by the person during the period that the person did not hold the permit.

(11) Every holder of a permit to mark cigarettes who refuses or neglects to mark packages of cigarettes, cartons or cases in accordance with the regulations is guilty of an offence and on conviction is liable to a fine of not less than \$50,000 and not more than \$1,000,000.

Offence

(12) Every holder of a permit to stamp cigarettes who refuses or neglects to stamp packages of cigarettes, cartons or cases in accordance with the regulations is guilty of an offence and on conviction is liable to a fine of not less than \$5,000 and not more than \$500,000.

Offence

3f.—(1) No person shall purchase, possess, store or sell unmarked cigarettes in Ontario unless the person has applied for and been issued a permit to purchase and sell unmarked cigarettes under the regulations.

Permit to purchase unmarked cigarettes

(2) The Minister may attach such reasonable conditions and restrictions to a permit to purchase and sell unmarked cigarettes as the Minister considers necessary to ensure that the unmarked cigarettes received by the applicant for the permit will be dealt with in accordance with this Act and the regulations.

Conditions and restrictions

(3) Every holder of a permit to purchase and sell unmarked cigarettes shall forthwith notify the Minister in writing of all changes in the name or nature of the person's business or of the termination of the business.

Notification

(4) Every person who, being the holder of a permit to purchase and sell unmarked cigarettes, sells or permits the sale of unmarked cigarettes to another person who is liable to collect or to pay tax under this Act shall pay a penalty, when assessed therefor, equal to the tax on all unmarked cigarettes so sold or permitted to be sold.

Penalty

(5) Every person who, being the holder of a permit to purchase and sell unmarked cigarettes, contravenes this Act or the regulations or any condition or restriction contained in the person's permit is guilty of an offence and on conviction is liable to a fine of not less than \$1,000 and not more than \$10,000, plus a fine of not less than an amount equal to three times the amount of tax, if any, that should have been paid or remitted by the person in compliance with this Act or the regulations.

Offence

3g.—(1) Every person who is not a registered importer or exporter under this Act and who wishes to transport or cause to be transported tobacco in bulk owned by the person from a location outside Ontario, through Ontario and continuing to

Transit permit

another location outside Ontario shall apply to the Minister for a transit permit prior to the transport.

Conditions

(2) The Minister may, as a requirement for the issuance of a transit permit, impose such reasonable conditions, including the posting of security, as the Minister considers appropriate.

Copy of
transit permit

(3) Every person to whom a transit permit is issued under this section and who is an interjurisdictional transporter shall keep in the possession of the driver of any motor vehicle operated by the holder of the transit permit a notarial copy of the permit.

Idem

(4) Every interjurisdictional transporter who is transporting tobacco in bulk on behalf of a person to whom a transit permit has been issued under subsection (1) shall secure from the person notarial copies of the transit permit.

Permit not
valid

(5) A transit permit is not valid in respect of the transport of marked cigarettes.

6. Section 4 of the Act is repealed and the following substituted:

Refusal to
designate,
etc.

4.—(1) The Minister may refuse to designate a person under subsection 3a (1) or to issue a registration certificate or permit under this Act or the regulations if,

- (a) the person has not paid all of the tax that the person is liable to pay under this Act;
- (b) the person, or any officer, director, shareholder, employee or partner of the person,
 - (i) has failed to pay a fine levied upon conviction under this Act,
 - (ii) has been convicted of an offence of fraud or tax evasion within the previous five years, or
 - (iii) held a registration certificate or permit issued under this Act or the regulations that was cancelled within the preceding five years;
- (c) the person fails to satisfy the Minister of the person's ability to perform the conditions proposed by the Minister to be contained in the designation, registration or permit; or

- (d) the person fails to provide security as required by subsection 4a (2).

(2) The Minister may suspend or cancel the designation of a collector or the registration certificate or permit issued to a person under this Act or the regulations if the person contravenes or permits the contravention of any provision of this Act or the regulations or of any condition or restriction contained in the designation, registration certificate or permit.

Suspension or cancellation of designation, etc.

(3) Where the Minister proposes to take action under subsection (1), (2) or 3e (7), the Minister shall, before the refusal, suspension or cancellation is made, afford the person the opportunity to appear before the Minister to show cause why the designation, the registration certificate or the permit should not be refused, suspended or cancelled, as the case may be.

Hearing

(4) Despite subsection (3), where a collector, a holder of a registration certificate or a holder of a permit under this Act or the regulations fails to deliver a return as required by this Act and the regulations or fails to remit the tax payable by the person, the Minister may, by notice in writing to the person stating the reasons therefor, suspend forthwith the designation, registration certificate or permit, but the person may, within 180 days of the service of the notice, request a hearing before the Minister on a day to be fixed not more than ten days from the date of the receipt of the request by the Minister, to determine whether the suspension may be rescinded and, if so, upon what conditions the suspension may be rescinded.

Suspension forthwith

(5) A notice under subsection (1), (2) or (4) is properly served by personal service or by registered mail sent to the last known address of the person referred to in the subsection.

Service of notice

4a.—(1) The Minister may demand information or additional information from any person for the purposes of evaluating the suitability of a person to be a collector, registered importer, or exporter, or to hold a permit to mark or stamp cigarettes or to purchase and sell unmarked cigarettes, or to ascertain the amount of security to be furnished by a person in accordance with subsection (2) and the person shall deliver the information or further information the Minister requires within the time specified in the Minister's demand.

Information

(2) The Minister may demand security in a form acceptable to the Minister from,

Security

- (a) every collector in an amount equivalent to the average three months' tax collectable and payable by the collector calculated for the twelve-month period preceding the date of the Minister's demand, or \$1,000,000, whichever is the greater;
- (b) every importer who acquires marked cigarettes outside Ontario for distribution in Ontario, in an amount equal to the greater of \$500,000 or the average three months' tax that would be collectable and payable by the importer calculated on the basis of the twelve-month period immediately preceding the date of the Minister's demand, if the cigarettes were sold to a consumer in Ontario in the twelve-month period;
- (c) every exporter in an amount specified by the Minister upon the forwarding to the Minister of information required in respect of tobacco to be exported for the purposes of subsection 3b (9);
- (d) every person who applies for or is the holder of a permit to mark cigarettes in an amount equal to the greater of \$1,000,000 or the average three months' tax that would be collectable and payable by the person calculated on the basis of the twelve-month period preceding the Minister's demand if the production of marked cigarettes were sold to consumers in Ontario during the twelve-month period;
- (e) every person who applies for or is the holder of a permit to stamp cigarettes in an amount equal to the greater of \$500,000 or the average three months' tax that would be collectable and payable by the person calculated on the basis of the twelve-month period preceding the Minister's demand if the production of stamped cigarettes were sold to consumers in Ontario during the twelve-month period; and
- (f) every person who applies for or is the holder of a permit to purchase or sell unmarked cigarettes in an amount equal to the greater of \$500,000 or the average three months' tax that would be collectable or payable by the person calculated on the basis of the twelve-month period preceding the Minister's demand, if the person's acquisition of unmarked cigarettes were marked cigarettes that were sold to consumers in Ontario during the twelve-month period.

(3) Every person shall, upon receipt of a demand under subsection (2), forthwith furnish the amount of security to the Minister. Idem

(4) The Minister may, at any time, increase or decrease the amount of security furnished or to be furnished under subsection (2). Idem

(5) Where the Minister has, under this Act, assessed any person who has provided security under subsection (2), all or any part of the security may be paid into the Consolidated Revenue Fund in satisfaction of all or any part of the person's assessed liability. Application of security

7. Section 9 of the Act, as amended by the Statutes of Ontario, 1989, chapter 72, section 85, is repealed and the following substituted:

9.—(1) Every collector, importer, exporter, interjurisdictional transporter, wholesaler, manufacturer, or holders of a permit to mark or stamp cigarettes or to purchase and sell unmarked cigarettes, or holder of a transit permit shall deliver to the Minister such returns as the Minister requires for the purpose of this Act, Returns by collectors, etc.

(a) without notice or demand at the time and in the manner prescribed; or

(b) on or before the day designated in the demand of the Minister served by personal service or by registered mail.

(2) Every return shall be verified by the certificate of the person required to file the return, and if the person is not an individual, of its president or resident manager or representative in Ontario, that the financial and other statements of information included in or attached to the return are in agreement with the books of the person and contain true, correct and complete information for the period covered by the return. Idem

(3) Every person who fails to make a return as required under subsection (1) shall pay a penalty, when assessed therefor, of 10 per cent of the tax collectable and the tax payable by the person, to a maximum of \$50,000 in respect of each return. Penalty

(4) Every person who fails to make a return as required under subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than 5 Offence

per cent of the amount of tax that would have been reported had the person's return been properly completed and filed.

Offence

(5) Every person who fails to complete the information required in a return required under subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$5,000.

Enlargement
of time

(6) The Minister may enlarge the time for making a return before or after the time for making it.

Declarations
and affidavits

(7) Declarations and affidavits in connection with returns under this Act may be taken before any person having authority to administer an oath or affirmation, or before any person specifically authorized for that purpose by the Lieutenant Governor in Council, but a person so specifically authorized shall not charge a fee therefor.

8. Section 9a of the Act, as enacted by the Statutes of Ontario, 1986, chapter 41, section 2, is repealed and the following substituted:

Transmission
of tax

9a.—(1) Every collector or importer shall, with the return required under subsection 9 (1), transmit the tax payable or payable and collectable by the collector or importer.

Deficiency

(2) A collector or importer who transmits less than the amount of tax payable or payable and collectable by the collector or importer shall pay to the Treasurer interest at the prescribed rate upon the deficiency from the date of default until the date of transmission of the deficiency to the Treasurer.

Refund of
tax claimed

(3) Despite subsection (1), a collector may retain the amount of a refund for which the collector has made application under this Act or the regulations until the refund for which the collector has applied is, in whole or in part, approved or refused by the Minister and notification thereof is sent to the collector.

Repayment
of refund
taken

(4) Despite subsection (3), upon receiving a statement of disallowance under subsection 10 (2a) in respect of the application referred to in subsection (3), the collector shall, with the collector's next return or at such earlier time as is specified in the statement of disallowance, whether or not an objection or appeal therefrom has been made or taken, transmit to the Treasurer the amount of any refund refused, together with interest thereon at the rate prescribed for the period during which the amount was retained by the collector and, upon being notified of the approval of any refund

claimed, the collector may, subject to section 27, retain the amount so approved.

(5) Subsection (3) only applies to a collector, who, in a return filed by the collector in accordance with this Act and the regulations, shows that tax under this Act is to be remitted by the collector and who, at the time the return is delivered to the Minister, has also applied for a refund under this Act or the regulations.

Application
of subs. (3)

(6) Every person who is required to pay over to a collector or registered importer or to remit to the Treasurer the tax imposed by this Act and who fails to pay over or remit the tax is guilty of an offence and on conviction is liable to a fine of not less than an amount equal to 25 per cent of the tax and not more than an amount equal to twice the amount of the tax that should have been paid over or remitted.

Offence

9.—(1) Section 10 of the Act, as amended by the Statutes of Ontario, 1985, chapter 22, section 3, is further amended by adding the following subsection:

(1a) Every person who fails to collect tax that the person is responsible to collect under this Act or the regulations shall pay a penalty, when assessed therefor, equal to not more than twice the amount the person failed to collect.

Penalty

(2) Subsection 10 (2) of the Act is amended by striking out “consumer or dealer” in the third line and substituting “collector, importer, exporter, wholesaler, retail dealer, consumer, interjurisdictional transporter, holder of a permit to mark or stamp cigarettes or holder of a transit permit”.

(3) Subsections 10 (3) and (4) of the Act are amended by inserting after “(1)” in the second line in each instance “(1a)”.

(4) Section 10 is further amended by adding the following subsection:

(9) No penalty under subsection (1a) shall be made with respect to tax that should have been collected more than four years before the date of the assessment under subsection (1a), except that, where the Minister establishes that the person has made any misrepresentation that is attributable to neglect, carelessness or wilful default, or has committed any fraud, in making a return or in supplying any information under this Act or the regulations or in omitting to disclose any information, the Minister may, where the Minister considers it expedient, impose the penalty provided under subsection (1a) for tax

Limitation

that should have been collected more than four years before the date of assessment.

10.—(1) Subsection 12 (1) of the Act, as re-enacted by the Statutes of Ontario, 1985, chapter 22, section 4, is amended by striking out “interest or penalty” in the first and second lines and substituting “or interest, or the assessment or payment of a penalty”.

(2) Subsection 12 (3) of the Act, as re-enacted by the Statutes of Ontario, 1985, chapter 22, section 4, is amended by inserting after “disallowance” in the second and third lines and in the fourth line “or penalty”.

11.—(1) Subsection 13 (1) of the Act, as amended by the Statutes of Ontario, 1985, chapter 22, section 5 is further amended by striking out “or statement of disallowance” in the amendment of 1985 and substituting “statement of disallowance or penalty”.

(2) Subsection 13 (8) of the Act is amended by inserting after “tax” in the second line “or penalty”.

12.—(1) Section 14 of the Act, as amended by the Statutes of Ontario, 1981, chapter 4, section 3 and 1985, chapter 22, section 6, is further amended by adding the following subsection:

Idem

(1a) Every holder of a permit to mark or stamp cigarettes shall permit any person authorized for the purpose by the Minister to enter any mark-point or designated warehouse operated by the holder during normal business hours and the authorized person may,

- (a) audit or examine any books and records and any account, voucher, letter, telegram or other document that is kept at the mark-point;
- (b) examine the property described in an inventory or any other property, process or matter, the examination of which may, in the person's opinion, assist in determining the accuracy of an inventory or in ascertaining information that is or should be in the books or records or in a return, or the amount of any tax imposed by this Act; and
- (c) examine any inventory of,
 - (i) marked or unmarked cigarettes,

(ii) used or unused indicia, and

(iii) used or unused containers or materials designed to pack cigarettes.

(2) Subsection 14 (2) of the Act is amended by inserting after “information” in the fourth line “additional information, a return, a more complete or sufficient return”.

(3) Section 14 is further amended by adding the following subsection:

(3) Any person who fails or refuses to keep adequate books of account and other records for the purpose of ascertaining the amount of tax payable or payable and collectable by the person may be required, upon notice by the Minister by registered letter, to keep such books of account and records as the Minister specifies in the notice for such length of time as the Minister requires.

Demand to
keep records

13. Section 15 of the Act is repealed and the following substituted:

15.—(1) For any purpose relating to the administration and enforcement of this Act and the regulations, any person authorized for the purpose by the Minister,

Detention of
vehicles, etc.

- (a) may, without warrant, stop and detain any vehicle, including any trailer attached to the vehicle, any vessel, railway equipment on rails or aircraft;
- (b) may examine the contents thereof including any cargo, manifests, records, accounts, vouchers, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations; and
- (c) subject to subsection (2), may seize and take away any of such manifests, records, accounts or vouchers and retain them until they are produced in any court proceedings.

(2) Where documents are seized under subsection (1), the Minister shall, within fourteen days, make application to a justice, as defined in the *Provincial Offences Act*, for an order to permit the retention of the documents until they are produced in any court proceeding, and the application may be heard and the order may be made, both without notice, upon receipt of information under oath from a person who believes on reasonable and probable grounds that the documents

Application
for retention
of documents
R.S.O. 1980,
c. 400

afford evidence of the commission of an offence under this Act.

Seizure and
disposal of
tobacco in
bulk

(3) Where, following a detention under subsection (1), tobacco in bulk is found in the control of a person who has not been designated a collector, does not hold a registration certificate issued under subsection 3b (1) or 3d (1), does not hold a permit issued under subsection 3 (3), 3e (2) or 3f (1), or is being transported or stored in Ontario by or for such a person, any person authorized for the purpose by the Minister may, subject to subsections (4), (5) and (6), seize, impound, hold and dispose of the tobacco.

Saving

(4) Despite subsection (3), no seizure, impounding, holding or disposal shall be made if the person in control of the tobacco in bulk detained under subsection (1),

(a) is an interjurisdictional transporter;

(b) holds a wholesaler's permit under subsection 3 (1) and can provide proof satisfactory to the person authorized by the Minister for the purposes of subsection (3) that the tobacco in bulk was purchased from a collector;

R.S.O. 1980,
c. 454

(c) holds a vendor's permit issued under the *Retail Sales Tax Act* and can provide proof satisfactory to the person authorized by the Minister that the tobacco in bulk was purchased from a registered wholesaler; or

(d) has in the person's possession a transit permit issued to the owner of the tobacco in bulk under subsection 3g (1).

Application

(5) Tobacco in bulk seized under subsection (3) is forfeited to Her Majesty to be disposed of as the Minister directs unless, within thirty days following the seizure, the person from whom the tobacco in bulk was seized, or the owner of the tobacco in bulk, applies to the Supreme Court to establish the right to possess the tobacco in bulk.

Right to
possession of
tobacco in
bulk

(6) For the purposes of an application under subsection (5), the applicant has the right to possession of the tobacco in bulk if the owner, or the person for whom the tobacco in bulk was being transported, was, at the time the seizure was made, a person specified in subsection (3) or (4) as someone from whom tobacco in bulk was not to be seized.

(7) Where, on an application under subsection (5), the court is satisfied that the applicant has the right to possession of the tobacco in bulk, the court may order that the tobacco in bulk be returned to the applicant or that the proceeds of sale of the tobacco in bulk be paid to the applicant.

Order

(8) Where a final order has not been made under subsection (7) within sixty days after the filing of the application under subsection (5), the Minister may dispose of the tobacco in bulk and retain the proceeds pending the determination of the application.

Disposal
pending final
determination
by court

(9) Upon dismissal of an application under subsection (5) and the expiry of the appeal period provided therefor, the tobacco in bulk is forfeited to Her Majesty to be disposed of as the Minister directs.

Forfeiture
after
dismissal of
application

(10) Where a sale of tobacco in bulk is directed under subsection (5) or (9), or where the proceeds of a sale are retained under subsection (8) and the application is dismissed, the proceeds of the sale remaining after payment of the costs incurred by the Minister in seizing, storing and disposing of the tobacco in bulk shall be paid into the Consolidated Revenue Fund.

Proceeds of
sale

(11) For the purposes of this section, "vehicle" means a motor vehicle that has more than two axles or more than four wheels, or that is designed by the manufacturer thereof to carry in its enclosed non-passenger space more than 2.548 cubic metres of cargo, and includes any vehicle that is attached to a trailer that is not a house trailer, boat trailer or camper trailer that is being used for the purpose for which it was designed.

Definition

(12) Every person from whom tobacco in bulk is seized under subsection (3) shall pay a penalty, when assessed therefor, equal to three times the tax that would be payable under subsection 2 (1) were the tobacco sold to a consumer in Ontario, or where tobacco in bulk includes unmarked cigarettes, three times the tax that would be payable were the cigarettes marked cigarettes sold to a consumer in Ontario.

Penalty

(13) No penalty shall be assessed under subsection (12) in respect of any person where an order has been made under subsection (7).

Saving

14. The Act is further amended by adding the following section:

Use of
remedy

17a. The use of a remedy does not bar or affect any other remedy, and the remedies provided by this Act for the recovery and enforcement of payment or collection, or both, of any tax or penalty, or both, imposed by this Act are in addition to other remedies existing at law, and no action or other proceeding in any way prejudices, limits or affects any lien charge or priority under this Act or otherwise.

15. Clauses 18 (3) (b) and (c) of the Act are amended by striking out “dealer or consumer” wherever they occur and substituting in each instance “collector, importer, exporter, interjurisdictional transporter, consumer, wholesaler, retail dealer or holder of a permit to mark or stamp cigarettes”.

16. Section 19 of the Act is repealed and the following substituted:

Prohibition,
unmarked
cigarettes

19.—(1) No person shall, unless permitted under this Act or the regulations to do so, have in the person’s possession any unmarked cigarettes for the purposes of sale.

Offence

(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than thirty cents for each unmarked cigarette in that person’s possession, and all unmarked cigarettes found in the person’s possession shall be ordered forfeited to Her Majesty.

Penalty

(3) Every person who, except as permitted under this Act or the regulations, sells or offers for sale or keeps for sale in Ontario unmarked cigarettes shall pay a penalty, when assessed therefor, on all unmarked cigarettes so sold, offered for sale or kept for sale, equal to three times the amount of tax payable under section 2 were the cigarettes marked cigarettes sold to consumers in Ontario.

Penalty

(4) Every person who, except as permitted under this Act or the regulations, purchases or receives for sale any unmarked cigarettes shall pay a penalty, when assessed therefor, on all unmarked cigarettes so purchased or received for sale, equal to three times the amount of tax payable under section 2 were the cigarettes marked cigarettes sold to consumers in Ontario.

17. Section 22 of the Act, as amended by the Statutes of Ontario, 1981, chapter 4, section 5, is repealed and the following substituted:

Communi-
cation of
information

22.—(1) Except as authorized by this section, no person employed by the Government of Ontario shall,

- (a) knowingly communicate or allow to be communicated to any person any information obtained by or on behalf of the Minister for the purposes of this Act;
- (b) knowingly allow any person to inspect or have access to any record or thing obtained by or on behalf of the Minister for the purposes of this Act.

(2) Despite any other Act, but subject to subsection (3), no person employed by the Government of Ontario shall be required, in connection with any legal proceeding,

Officials not
compellable
as witnesses

- (a) to give evidence relating to any information obtained by or on behalf of the Minister for the purposes of this Act; or
- (b) to produce any record or thing obtained by or on behalf of the Minister for the purposes of this Act.

(3) Subsections (1) and (2) do not apply in respect of,

Exceptions
for legal
proceedings

- (a) criminal proceedings under any Act of the Parliament of Canada;
- (b) proceedings in respect of the trial of any person for an offence under an Act of the Legislature; or
- (c) proceedings relating to the administration or enforcement of this Act or the collection of tax under this Act.

(4) A person employed by the Government of Ontario may, in the course of the person's duties in connection with the administration and enforcement of this Act,

Exception for
internal
adminis-
tration

- (a) communicate or allow to be communicated to any other person employed by the Government of Ontario in the administration and enforcement of any laws related to the raising of revenue or the registration of any person for provincial purposes any information obtained by or on behalf of the Minister under this Act; and
- (b) allow any person employed in the administration and enforcement of any laws relating to the raising of revenues or the registration of any person for provincial purposes or any law enforcement official of the Government of Ontario, of Canada or of any other province or territory of Canada to inspect or

have access to any record or thing obtained by or on behalf of the Minister under this Act,

if the information, record or thing obtained by the person that affects the administration and enforcement of this Act is communicated or furnished on a reciprocal basis to the Minister, and the information, record or thing will only be used for the administration or enforcement of this Act or an Act that is administered or enforced by the official or the person receiving the information, record or thing.

Exception for
objection and
appeal

(5) Despite anything in this Act, the Minister may permit a copy of any record or thing obtained under this Act to be given to,

- (a) the person from whom the record or thing was obtained; or
- (b) any person,
 - (i) for the purpose of an objection or appeal taken by the person under this Act in connection with which the record was obtained, or
 - (ii) by whom any amount payable under this Act is payable or has been paid; or
- (c) the legal representative of any person referred to in clause (a) or (b) or the agent of the legal representative authorized in writing.

Exception for
tax
enforcement
in other
jurisdictions

(6) The Minister may communicate or allow to be communicated any information, record or thing obtained under this Act or allow inspection of or access to any written statement furnished under this Act to any person employed by any government, provided that the information, record or thing and the written statements obtained by such government for the purposes of any Act that imposes a tax are communicated or furnished on a reciprocal basis to the Minister, and if the information, record or thing and the written statements will not be used for any purpose other than the administration or enforcement of a tax law.

Exception for
tax policy
information

(7) Notwithstanding anything in this Act, the Minister may communicate or allow to be communicated to an official of the Ministry of Treasury and Economics information obtained under this Act solely for the purpose of evaluating and formulating tax policy.

(8) Every person who contravenes any provision of this section is guilty of an offence and on conviction is liable to a fine of not more than \$2,000. Offence

18. The Act is further amended by adding the following sections:

22a.—(1) No person shall affix an Ontario tax indicium to a package of cigarettes or to the tear-tape of a package of cigarettes or to a carton, case or container of any description for tobacco for sale to a consumer outside Ontario. No indicia
outside
Ontario

(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$1,000 and not more than \$500,000. Offence

22b.—(1) Every person who affixes to a package of cigarettes or the tear-tape of a package of cigarettes a false, forged, fraudulent, spurious or counterfeit indicium or an indicium that has been used before, or who prints on a package, carton, case or container of any description for packaging cigarettes a false, forged, fraudulent, spurious or counterfeit indicium is guilty of an offence and on conviction is liable to a fine of not less than \$500 and not more than \$100,000 or to imprisonment for a term of not more than two years, or to both. Offence

(2) Every holder of a permit to mark or stamp cigarettes or dealer who possesses cigarettes contained in a package, carton or case that has previously been used as a marked package, carton or case under this Act or the regulations or contained in packages, cartons or cases that have been fraudulently marked shall pay a penalty, when assessed therefor on a first such assessment, of \$10 for each package, \$80 for each carton and \$500 for each case, and a penalty on each subsequent assessment of \$50 for each package, \$400 for each carton and \$2,500 for each case. Penalty

19. Subsection 23 (2) of the Act, as re-enacted by the Statutes of Ontario, 1989, chapter 72, section 85, is amended by striking out “according to the regulations” in the second and third lines and substituting “or who is not an importer holding a registration certificate under section 3b or a wholesaler holding a permit under section 3”.

20. Section 24 of the Act is amended by striking out “three” in the second line and substituting “six”.

21. Section 25 of the Act is repealed and the following substituted:

Reciprocal
arrangements

25. For the purposes of simplifying compliance with this Act and the administration and collection of the tax imposed by this Act and in order to provide reciprocal arrangements to settle claims for tax on the acquisition and use of tobacco by persons carrying on business in more than one province or territory of Canada, the Lieutenant Governor in Council may, on the recommendation of the Minister and on such terms and conditions as are considered necessary and expedient, enter into an agreement with any province or territory of Canada that tax paid to one jurisdiction on the acquisition there of tobacco that is transferred to the other jurisdiction may be paid by one jurisdiction to the other in reduction of the liability to the tax arising in the jurisdiction receiving the payment and in lieu of refunding the tax to the person who paid it and who became liable for similar tax in the other jurisdiction.

22. The Act is further amended by adding the following section:

Refund on
exports of
tobacco

26a.—(1) Where a person exports tobacco from Ontario, the Minister may refund to the person any amount paid on account of tax in respect of the tobacco if,

- (a) the person holds a registration certificate issued under subsection 3b (1) as an exporter;
- (b) the tobacco was exported for the purpose of sale; and
- (c) the application for the refund is supported by,
 - (i) invoices verifying the purchase of the tobacco and the payment of the amounts on account of the tax,
 - (ii) documentary evidence acceptable to the Minister that the tobacco exported from Ontario was delivered to a purchaser in another jurisdiction, and
 - (iii) a certification by the jurisdiction into which the tobacco was delivered for consumption that tax was paid to that jurisdiction on the tobacco exported from Ontario or that the consumers of the tobacco were not liable to pay tax on the tobacco purchased by them.

Limitation

(2) A refund under this section shall not be made unless an application therefor is received by the Minister within three years of the date when the amount on account of the tax, a

refund of which is sought, was paid and it is established to the satisfaction of the Minister that the applicant is entitled to the refund claimed.

(3) Where an applicant for a refund under this Act has misrepresented a material fact on or in connection with an application for a refund, a return where an amount was retained by the applicant under subsection 9a (3) or in an invoice supporting the application or return, the Minister may, Penalty

- (a) deny all or any part of the refund; and
- (b) impose a penalty, upon assessment therefor, of an amount equal to or less than the amount of the refund denied.

22.—(1) Clause 28 (1) (g) of the Act is repealed and the following substituted:

- (g) governing the activities of those who are required or permitted to hold permits or registration certificates under this Act.

(2) Clause 28 (1) (o) of the Act is repealed and the following substituted:

- (o) prescribing any matter required by this Act to be prescribed or referred to in this Act as prescribed.

(3) Subsection 28 (1) of the Act, as amended by the Statutes of Ontario, 1981, chapter 4, section 6, 1983, chapter 25, section 2 and 1988, chapter 65, sections 3 and 4, is further amended by adding the following clauses:

- (p) providing a system for the sale of unmarked cigarettes to classes of persons who are exempt from the payment of the tax imposed by this Act, including the limitation on the quantity of unmarked cigarettes to be sold to retail dealers for resale to such consumers;
- (q) providing for the furnishing to the Minister of information related to the sale or delivery of tobacco products that are exempt from the tax imposed by this Act or that are delivered to classes of persons who are exempt from the payment of the tax imposed by this Act;

- (r) authorizing any person to collect tax or security for the tax imposed by this Act and regulating the time and manner of such collection.

(4) Clauses 28 (2) (b) and (c) of the Act, as enacted by the Statutes of Ontario, 1981, chapter 4, section 6, are repealed and the following substituted:

- (b) prescribing, defining, designating or determining anything that the Minister is permitted or required by this Act to prescribe, define, designate or determine;
- (c) prescribing the responsibilities of holders of permits to mark or stamp cigarettes for the receipt, use of and the accounting for indicia.

Commence-
ment

23.—(1) Except as provided in subsections (2) and (3), this Act comes into force on the 1st day of May, 1990.

Idem

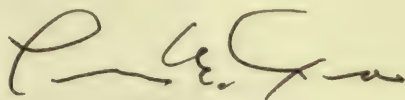
(2) Sections 5 and 6 and subsection 12 (1) shall be deemed to have come into force on the 1st day of March, 1990.

Idem

(3) Subsection 2 (1) comes into force on the 25th day of April, 1990.

Short title

24. The short title of this Act is the *Tobacco Tax Amendment Act, 1990*.

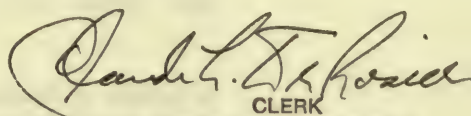


Bill 162

(Chapter 47
Statutes of Ontario, 1989)

An Act to amend the Workers' Compensation Act

The Hon. G. Sorbara
Minister of Labour



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 20th, 1988
<i>2nd Reading</i>	November 23rd, 1988
<i>3rd Reading</i>	July 24th, 1989
<i>Royal Assent</i>	July 26th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 162

1989

An Act to amend the Workers' Compensation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 (1) of the *Workers' Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:

(ea) "contributions for employment benefits", in relation to a worker, means amounts paid in whole or in part by an employer on behalf of the worker or the worker's spouse or dependants for health care, life insurance and pension benefits;

.

(g) "disability", in relation to an injured worker, means the loss of earning capacity of the worker that results from an injury.

(2) Clause 1 (1) (i) of the said Act is amended by adding at the end thereof "but does not include contributions made under section 5a for employment benefits".

(3) The said subsection 1 (1) is further amended by adding thereto the following clauses:

(la) "impairment", in relation to an injured worker, means any physical or functional abnormality or loss including disfigurement which results from an injury and any psychological damage arising from the abnormality or loss;

.

(va) "permanent impairment", in relation to an injured worker, means impairment that continues to exist

after maximum medical rehabilitation of the worker has been achieved;

.

(xb) "student" means a person who is pursuing formal education as a full-time or part-time student and is employed by an employer for the purposes of the employer's industry, although not as a learner or an apprentice.

(4) Subclause 1 (1) (z) (i) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 1, is amended by inserting at the end thereof "or student".

2. Subsection 3 (7) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 3, is amended by striking out "disability" in the last line and inserting in lieu thereof "impairment".

3. The said Act is amended by adding thereto the following section:

Employment
benefits for
injured
workers

5a.—(1) An employer, throughout the first year after an injury to a worker, shall make contributions for employment benefits in respect of the worker when the worker is absent from work because of the injury.

Deeming
provision

(2) For the purpose of determining a worker's entitlement to benefits under a benefit plan, fund or arrangement, a worker shall be deemed, for one year after the date the injury occurred, to continue to be employed by the worker's employer on the date of the injury.

Penalty

(3) If the Board finds that an employer has not complied with its obligations under subsection (1), the Board may levy a penalty on the employer to a maximum of the amount of one year's contributions for employment benefits in respect of the worker.

Liability for
loss

(4) The employer is liable to a worker for any loss the worker suffers as a result of the employer's failure to make the contributions required by subsection (1).

Eligibility

(5) Contributions under subsection (1) are required only if,

(a) the employer was making contributions for employment benefits in respect of the worker when the injury occurred; and

- (b) the worker continues to pay his or her contributions, if any, for the employment benefits while absent from work.

(6) If a worker is injured while engaged in employment described in subsection 1 (2) or (4), the worker's employer, other than the employer described in subsection 1 (2) or (4), shall be deemed to be the employer for the purposes of this section. Emergency workers

(7) If an employer makes contributions under subsection (1) in respect of a worker described in subsection (6), the employer described in subsection 1 (2) or (4) shall reimburse the employer for the contributions. Idem

(8) Subsection (1) does not apply to an employer who participates in a multi-employer benefit plan in respect of a worker if, throughout the first year after the worker is injured whenever the worker is absent from work because of the injury, Multi-employer benefit plans

- (a) the plan continues to provide the worker with the benefits to which the worker would otherwise be or become entitled under the plan; and
- (b) the plan does not require contributions from the employer during the absence and does not require the worker to draw on the worker's benefit credits, if any, under the plan during the absence.

(9) A multi-employer benefit plan shall contain and, if it does not do so, shall be deemed to contain provisions sufficient, Amendment of multi-employer benefit plans

- (a) to enable all employers who participate in the plan to be exempted under subsection (8) from the requirement to make contributions; and
- (b) to provide each worker with the benefits described in subsection (8) in the circumstances described in that subsection.

(10) Subsection (9) shall come into force two years after the date on which this section comes into force. Commencement

4. Section 13 of the said Act is amended by striking out "disability" wherever it occurs and inserting in lieu thereof in each instance "impairment".

5. Section 23 of the said Act is amended by striking out "permanent disability" in the sixth line and inserting in lieu thereof "compensation".

6. Section 24 of the said Act is amended by inserting after "payment" in the first line "under section 40" and by striking out "hereinafter prescribed" in the last line and inserting in lieu thereof "amount payable under that section".

7. Section 27 of the said Act is repealed.

8. Section 28 of the said Act is repealed.

9. Subsection 32 (1) of the said Act is amended by striking out "disability" in the second line and inserting in lieu thereof "impairment".

10.—(1) Section 36 of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 9 and amended by 1985, chapter 3, section 1, is further amended by adding thereto the following subsections:

Vocational
rehabilitation

(1a) The spouse of a deceased worker may apply to the Board within one year after the worker's death for a vocational rehabilitation assessment, and after an assessment the Board shall provide a vocational rehabilitation program to the spouse if the Board considers it appropriate to do so.

Idem

(1b) Subsections 54a (11) and (12) apply with respect to a vocational rehabilitation program provided to a spouse.

(2) Subsection 36 (13) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 58, section 9, is repealed and the following substituted therefor:

Deductions
for C.P.P.
and Q.P.P.
payments

(13) In calculating the compensation payable by way of periodic payments under this section, the Board shall have regard to any payments of survivor benefits for death caused by injury that are received under the Canada Pension Plan or the Quebec Pension Plan in respect of the deceased worker.

(3) Subsection 36 (16) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 3, section 1, is amended by striking out "\$31,500 per annum" in the last line and inserting in lieu thereof "the maximum amount determined under section 41".

11.—(1) Subsection 40 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 11, is

amended by adding at the end thereof "or until the worker begins receiving payments under section 45a".

(2) Subsection 40 (3) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 11, is repealed and the following substituted therefor:

(3) In determining the amount to be paid under clause (2) (b), the Board shall have regard to any disability payments the worker receives under the Canada Pension Plan and the Quebec Pension Plan with respect to the injury and, if sub-clause (2) (b) (i) or (ii) applies, the compensation shall be a periodic amount proportionate to the degree of disability resulting from the injury as determined by the Board.

Deductions
for C.P.P.
and Q.P.P.
payments

12. Section 41 of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 11, is repealed and the following substituted therefor:

41.—(1) For the purposes of this Act, the maximum amount of average earnings upon which the loss of earnings is to be calculated,

Maximum
earnings

(a) effective on the day this subsection comes into force, is the maximum amount of average earnings determined under this section as it read immediately before this subsection came into force;

(b) effective on the 1st day of January of the year following the year in which this section comes into force, is \$42,000; and

(c) effective on the 1st day of January of each year after the effective date for the amount in clause (b), is 175 per cent of the average industrial wage for Ontario for the year, determined in accordance with subsection (3).

(2) Part IV of this Act does not apply to the maximum amount of average earnings determined under subsection (1).

Application
of
Part IV

(3) For the purposes of clause (1) (c), the average industrial wage for Ontario is an amount applicable from the 1st day of January to the 31st day of December in a year, the calculation of which is based upon the most recent published material that is available on the 1st day of July of the preceding year, and the amount of which is based upon the estimated weekly earnings industrial aggregate for Ontario as published by Statistics Canada.

Determi-
nation of the
average
industrial
wage

13.—(1) Subsection 42 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 11, is amended by striking out “impairment of earning capacity” in the last line and inserting in lieu thereof “degree of disability”.

(2) Subsection 42 (3) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 11 and amended by the Statutes of Ontario, 1985, chapter 3, section 2, is repealed.

14. Subsection 43 (6) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 11, is repealed and the following substituted therefor:

Apprentices,
learners and
students

(6) Notwithstanding subsection (1), if a worker was an apprentice, learner or student at the time of the accident, the Board shall determine the worker's average earnings using such criteria as may be prescribed by regulation.

15. Section 45 of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 11 and amended by the Statutes of Ontario, 1985, chapter 3, section 3, is repealed and the following substituted therefor:

Non-
economic loss
where
permanent
impairment

45.—(1) A worker who suffers permanent impairment as a result of an injury is entitled to receive compensation for non-economic loss in addition to any other benefit receivable under this Act.

Compensation for
non-economic
loss

(2) The compensation for a worker's non-economic loss from an injury is determined by multiplying,

(a) the percentage of the worker's permanent impairment arising from the injury as determined by the Board; and

(b) \$45,000,

(i) plus \$1,000 for each year of age of the worker under forty-five years at the time of the injury, to a maximum of \$20,000, or

(ii) minus \$1,000 for each year of age of the worker over forty-five years at the time of the injury, to a maximum of \$20,000.

Payment

(3) If the compensation for non-economic loss is greater than \$10,000, it shall be paid as a monthly payment for the life of the worker unless the worker elects to receive the compensation as a lump sum.

(4) If the compensation for non-economic loss is less than or equal to \$10,000, it shall be paid as a lump sum.

Idem

(5) The Board shall determine in accordance with the prescribed rating schedule and having regard to medical assessments conducted under this section the degree of a worker's permanent impairment expressed as a percentage of total permanent impairment.

Determination by Board

(6) A medical practitioner who conducts a medical assessment under this section shall,

Medical assessment

(a) examine the worker; and

(b) assess the extent of the worker's permanent impairment, having regard to the existing and anticipated likely future consequences of the injury.

(7) In conducting a medical assessment, the medical practitioner shall consider any report by the treating physician of an injured worker.

Idem

(8) A medical practitioner shall promptly forward a copy of a medical assessment to the Board.

Idem

(9) After maximum medical rehabilitation of an injured worker is achieved, a medical assessment of the worker shall be conducted.

Requirement for medical assessment

(10) The worker may select a medical practitioner from a roster provided by the Board who shall conduct the worker's medical assessment.

Selection of medical practitioner

(11) If a worker does not make a selection under subsection (10) within thirty days after the Board provides the worker with a roster of medical practitioners, a medical practitioner appointed by the Board shall conduct the medical assessment.

Idem

(12) The Board shall send a copy of a medical assessment conducted under subsection (9) to the worker and to the employer who employed the worker on the date of the injury.

Notification of worker and employer

(13) A worker, an employer or the Board may, within forty-five days after the medical assessment is sent under subsection (12), require a second medical assessment of the worker.

Request for second assessment

(14) A worker or an employer who requires a second medical assessment shall give notice thereof to the Board within the forty-five day period referred to in subsection (13).

Notice

Selection of
medical
practitioner

(15) If a second medical assessment is required, the Board shall provide the worker and the employer with a list of at least three medical practitioners selected from a roster, from among whom the worker and the employer, by agreement and within thirty days after receiving the list, may select a medical practitioner who shall conduct the medical assessment.

Idem

(16) If the worker and the employer fail to agree upon a medical practitioner to conduct the second medical assessment, the Board shall select a medical practitioner from a roster and, if possible, one who was not named on the list provided to the worker and the employer, and the medical practitioner selected shall conduct the medical assessment.

Idem

(17) If the Board considers it to be impractical to provide a list of medical practitioners under subsection (15) because of the nature of a worker's impairment, the Board shall appoint such medical practitioner to conduct the second medical assessment as the Board considers appropriate.

Notification
of worker
and employer

(18) The Board shall send a copy of the second medical assessment to the worker and the employer.

Board
determination

(19) The Board shall forthwith determine the degree of a worker's permanent impairment,

- (a) after the expiry of the forty-five day period referred to in subsection (14) if a second medical assessment was not required; or
- (b) after it receives a copy of a second medical assessment if one was required.

Notice

(20) The Board shall give notice of its decision to the worker and the employer forthwith after determining the degree of a worker's permanent impairment.

Unanti-
cipated
deterioration

(21) A worker may apply to the Board for a redetermination of the degree of the worker's permanent impairment,

- (a) if the Board has determined that the worker has a permanent impairment; and
- (b) if the worker has suffered a significant deterioration of condition that was not anticipated at the time of the most recent medical assessment under this section.

(22) Subsections (5) to (20) apply to a redetermination as though it were an initial determination by the Board, with such modifications as the circumstances require.

Redetermi-
nation

(23) No worker may apply under subsection (21) until twelve months have elapsed from the most recent decision by the Board respecting the degree of permanent impairment of the worker.

Time for
applying

(24) The Lieutenant Governor in Council, on the recommendation of the Board, may establish one or more rosters of medical practitioners who are qualified to conduct medical assessments under this section.

Roster of
medical
practitioners

(25) A medical practitioner who conducts an assessment under this section shall be paid such sum for services and expenses as the chairman of the Board may determine.

Remuner-
ation of
medical
practitioners

(26) Subsections 83 (3) and (4) apply with necessary modifications to all medical practitioners who conduct medical assessments under this section.

Application
of subss.
83 (3, 4)

45a.—(1) A worker who suffers injury resulting in permanent impairment or resulting in temporary disability for twelve continuous months is entitled to compensation for future loss of earnings arising from the injury.

Compen-
sation for
future loss of
earnings

(2) An injured worker ceases to be eligible for compensation for future loss of earnings when the worker reaches sixty-five years of age.

Duration of
compensation

(3) Subject to subsection (8), the amount of compensation payable to a worker for future loss of earnings arising from an injury is equal to 90 per cent of the difference between,

Amount of
compensation

- (a) the worker's net average earnings before the injury; and

(b) the net average earnings that the worker is likely to be able to earn after the injury in suitable and available employment.

(4) Notwithstanding clause 139 (2) (b), the amount of compensation payable under this section to a worker for future loss of earnings arising from an injury shall be adjusted in accordance with subsections (5) and (6).

Adjustment
of amounts

(5) The amount of compensation calculated by the Board under subsection (3), (8) or (13) shall be adjusted in accordance with clause 139 (2) (b).

Idem

Idem

(6) The amount of compensation payable under this section in each year after the year in which the initial calculation is made by the Board shall be adjusted by applying the indexing factor to the amount of the previous year's compensation as adjusted under Part IV.

Earnings
from suitable
and available
employment

(7) For the purposes of subsection (3), in determining the amount that a worker is likely to be able to earn in suitable and available employment, the Board shall have regard to,

- (a) the net average earnings, if any, of the worker at the time the Board determines compensation under this section;
- (b) any disability payments the worker may receive for the injury under the Canada Pension Plan or the Quebec Pension Plan;
- (c) the personal and vocational characteristics of the worker;
- (d) the prospects for successful medical and vocational rehabilitation of the worker;
- (e) what constitutes suitable and available employment for the worker; and
- (f) such other factors as may be prescribed in the regulations.

Election re:
older workers
R.S.C. 1985,
c. O-9

(8) A worker may elect to receive an amount equal to a full monthly pension for old age security under section 3 of the *Old Age Security Act* (Canada), including amendments thereto, instead of the amount of compensation determined under subsection (3) or (13) if the worker,

- (a) is at least fifty-five years of age when the Board determines or reviews the amount of the worker's compensation;
- (b) has not returned to work; and
- (c) is unlikely, in the opinion of the Board, to benefit from a vocational rehabilitation program which could help the worker return to work.

Supplement
to compen-
sation

(9) If a worker who is receiving compensation under this section is co-operating in a Board-authorized vocational or medical rehabilitation program,

- (a) that began before the date of the Board's review under clause (13) (a); or
- (b) that began within twelve months after a determination is made under subsection 45 (21) of an anticipated deterioration in the worker's condition,

the amount of compensation otherwise determined under this section shall be supplemented so that the total compensation payable to the worker while the worker is co-operating in the rehabilitation program is equal to 90 per cent of the worker's pre-injury net average earnings.

(10) Where possible, the Board shall determine the amount of compensation payable to a worker under this section, Determination of compensation

- (a) in the twelfth consecutive month during which the worker is temporarily disabled;
- (b) within one year after notice of the accident in which the worker was injured is given under section 20, if during that year the Board determines that the worker is permanently impaired; or
- (c) within eighteen months after notice of the accident in which the worker was injured is given under section 20, if the worker's medical condition precludes a determination within the time stated in clause (a) or (b), whichever applies.

(11) Clauses (10) (b) and (c) do not apply with respect to a worker who is permanently impaired by industrial disease. Idem

(12) The Board may extend the time limits set out in subsection (10) in the case of a worker who is not receiving compensation under this Act and whose entitlement to compensation is in dispute. Idem

(13) Where possible, the Board shall review its determination of the amount of compensation payable to a worker under this section, Review of amount of compensation

- (a) in the twenty-fourth month after the date of its initial determination;
- (b) in the sixtieth month after the date of its initial determination; and
- (c) within twenty-four months after a reconsideration of the percentage of permanent impairment of a work-

er, under subsection 45 (21), results in a determination of increased permanent impairment of the worker,

but the Board shall not vary the amount of compensation payable as a result of a review unless the amount of the variation would be equal to at least 10 per cent of the amount of compensation being paid at the time of the review.

Payment of
compensation

(14) Compensation for future loss of earnings is payable in monthly or other periodic payments except as provided in subsection (15).

Commutation
of amount
payable

(15) If, following the review under clause (13) (b) or (c), the amount of compensation determined to be payable to a worker under this section is 10 per cent or less of the amount of compensation payable for full loss of earnings, the Board may commute the periodic amount payable to the worker to a lump sum unless the worker elects to receive the compensation in periodic payments.

Benefits for
loss of
retirement
income

45b.—(1) For the purpose of providing a worker who is receiving compensation under section 45a with a retirement pension, the Board shall set aside for the worker additional funds equal to 10 per cent of every payment made to the worker under section 45a.

Payments
deemed to
be made to
worker

(2) Payments to the spouse or dependants of a worker made by the Board under section 50 out of funds otherwise payable to the worker under section 45a shall be deemed to be payments to the worker for the purposes of subsection (1).

Entitlement
to retirement
income

(3) Each worker on whose behalf the Board sets aside funds under subsection (1), upon reaching sixty-five years of age, shall receive a retirement pension under this section.

Survivor
benefits

(4) If a worker dies before beginning to receive or while receiving a retirement pension under this section, the spouse and dependants of the worker shall receive such benefits as may be prescribed by regulation.

Exception

(5) Notwithstanding subsection (4), a spouse and dependants who receive compensation under section 36 in respect of a worker are not entitled to receive benefits under this section in respect of the worker.

Payment of
retirement
income

(6) A worker for whom funds are being set aside under subsection (1) may select the payment scheme for the worker's retirement pension from among the schemes and subject to the restrictions prescribed in the regulations.

(7) Notwithstanding subsection (6), if the annual pension to which a worker becomes entitled upon reaching sixty-five years of age is less than \$1,000, the Board shall pay the worker's retirement pension under this section as a lump sum.

Idem

(8) Retirement pensions and other benefits payable to or in respect of a worker under this section shall be calculated on the basis of the funds set aside for the worker plus the accumulated investment income thereon.

Calculation of pensions and benefits

(9) An employer that is individually liable to pay compensation under this Act shall pay the funds set aside under subsection (1) to the Board.

Employer payment

(10) The Board shall establish a fund into which funds set aside under subsection (1) shall be deposited and shall invest the fund in accordance with such procedures and restrictions as may be set out in the regulations.

Fund to be established

16. Subsection 50 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 13, is repealed and the following substituted therefor:

(1) Where a worker is entitled to compensation under this Act and the worker's spouse is entitled or the worker's dependants are entitled to support or maintenance under a court order, the Board shall divert such portion of the compensation payable to the worker in each periodic payment as is permitted under subsection (1a),

Garnishment for family support

(a) in accordance with a garnishment notice issued by a court in Ontario; and

(b) to the extent of default or arrears accruing after the 1st day of April, 1985, under the court order.

(1a) Garnishment of compensation under subsection (1) is subject to the limits and procedures set out in subsections 7 (1) to (5) of the *Wages Act* and compensation payable under this Act, other than funds set aside under subsection 45b (1), shall be deemed to be wages for the purposes of that Act.

R.S.O. 1980, c. 526 applies

17.—(1) Clause 52 (1) (c) of the said Act is amended by striking out "disability" in the second line and inserting in lieu thereof "impairment".

(2) Clause 52 (3) (b) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 3, section 4, is amended by striking out "disability" in the fifth line and inserting in lieu thereof "impairment".

18. Section 53 of the said Act is amended by striking out "without additional charge" in the fourth line.

19. The said Act is further amended by adding thereto the following sections:

Vocational
rehabilitation

54a.—(1) This section applies in respect of a worker who is receiving or has received benefits under section 40.

Early
assessment

(2) Within forty-five days after notice of an accident under section 20 is filed, the Board shall contact a worker who has not returned to work, for the purpose of identifying the worker's need for vocational rehabilitation services.

Vocational
rehabilitation
services

(3) The Board shall provide a worker contacted under subsection (2) with vocational rehabilitation services if the Board considers it appropriate to do so.

Idem

(4) Vocational rehabilitation services provided under subsection (3) may include consultation, the provision of information and the planning and design of a vocational rehabilitation program.

Second
contact re:
assessment

(5) The Board shall offer a vocational rehabilitation assessment to every worker,

- (a) who has not returned to the worker's pre-injury employment or to alternative employment of a nature and at earnings comparable to the pre-injury employment within six months after notice of the accident under section 20 is filed;
- (b) who is not receiving vocational rehabilitation services; and
- (c) who is not receiving or has not received a vocational rehabilitation program.

Idem

(6) If a worker is medically unable to undergo an assessment when contacted by the Board under subsection (5), the Board shall make the offer of assessment within a reasonable time after the worker becomes medically able to undergo assessment.

Assessment

(7) The Board shall provide a vocational rehabilitation assessment to a worker who accepts an offer and the assessment may include an evaluation of the worker's functional abilities, vocational skills, aptitude, educational attainment, literacy and language skills.

(8) The Board shall give written notice to the worker and the employer forthwith of the results of a vocational rehabilitation assessment conducted under subsection (7) and shall send the worker a copy of the assessment.

Results of
assessment

(9) The Board, after consultation with the worker and having regard to the results of an assessment under subsection (7), shall determine within thirty days after the Board receives the assessment results whether the worker needs a vocational rehabilitation program and shall give written notice to the worker and the employer of its determination.

Determi-
nation re:
vocational
rehabilitation
program

(10) If the Board determines, as a result of an assessment or otherwise, that a worker requires a vocational rehabilitation program, the Board in consultation with the worker and, if possible, with the employer and the worker's physician shall design and provide one.

Vocational
rehabilitation

(11) A vocational rehabilitation program may include vocational training, language training, general skills upgrading, refresher courses, employment counselling (including training in job search skills and in the identification of employment opportunities), assistance in seeking employment and assistance in adapting the workplace of an employer to accommodate the worker.

Particulars of
program

(12) If a worker's vocational rehabilitation program includes assistance in seeking employment, the Board shall assist the worker to search for employment for a period of up to six months after the worker is available for employment and the Board may extend its assistance for a further period of up to six months.

Entitlement
to job search
assistance

OBLIGATION TO RE-EMPLOY

54b.—(1) The employer of a worker who as a result of an injury has been unable to work and who, on the date of the injury, had been employed continuously for at least one year by the employer shall offer to re-employ the worker in accordance with this section.

Obligation to
re-employ

(2) The Board shall determine,

Determi-
nation re
return to
work

- (a) with respect to an injured worker who has not returned to work with the pre-injury employer, whether the worker is medically able to perform the essential duties of the worker's pre-injury employment or is medically able to perform suitable work; and

- (b) with respect to an injured worker who the Board has previously determined to be medically able to perform suitable work, whether the worker is medically able to perform the essential duties of the worker's pre-injury employment.

Board to
notify
employer

(3) The Board shall notify the employer upon determining that the worker is able to perform the essential duties of the worker's pre-injury employment or is medically able to perform suitable work.

Obligation to
re-employ

(4) Upon receiving notice from the Board that a worker is able to perform the essential duties of the worker's pre-injury employment, the employer shall offer to reinstate the worker in the position the worker held on the date of injury or offer to provide the worker with alternative employment of a nature and at earnings comparable to the worker's employment on that date.

Idem

(5) Upon receiving notice from the Board that a worker, although unable to perform the essential duties of the worker's pre-injury employment, is medically able to perform suitable work, the employer shall offer the worker the first opportunity to accept suitable employment that may become available with the employer.

Impaired
worker

(6) In order to fulfil the employer's obligations under this section, the employer shall accommodate the work or the workplace to the needs of a worker who is impaired as a result of the injury to the extent that the accommodation does not cause the employer undue hardship.

Notification
of Board

(7) An employer shall give written notice to the Board of the particulars of the way in which the employer intends to accommodate the work or the workplace to the needs of a worker under subsection (6).

Duration of
obligation

(8) An employer is obligated under this section until the day that is the earliest of,

- (a) two years after the date of the injury to the worker;
- (b) one year after the date the Board notifies the employer that the worker is medically able to perform the essential duties of the worker's pre-injury employment; and
- (c) the date the worker reaches sixty-five years of age.

(9) Employers engaged primarily in construction shall comply with such requirements to re-employ workers who perform construction work as may be prescribed in the regulations and subsections (4) to (8) do not apply in respect of such employers in relation to such workers.

Construction
industry
requirements

(10) An employer who, having re-employed a worker in accordance with this section, terminates the employment within six months, is presumed, unless the contrary is shown, not to have fulfilled the employer's obligations under this section.

Termination
of re-
employment

(11) A worker may apply to the Board for a determination whether the employer has fulfilled the employer's obligations to the worker under this section and the Board shall make the determination.

Determi-
nation re:
employer
compliance

(12) The Board is not required to consider an application under subsection (11) by a worker who has been re-employed and whose employment is terminated within six months if it is made more than three months after the date of termination of employment.

Limitation
period

(13) If the Board finds that an employer has not fulfilled the employer's obligations under this section, the Board may,

Consequences
of non-
compliance

(a) levy a penalty on the employer of a maximum of the amount of the worker's net average earnings for the year preceding the injury; and

(b) make payments to the worker for a maximum of one year as if the worker were entitled to compensation under section 40, and subsections 40 (2) and (3) apply to the payments with such modifications as the circumstances may require.

(14) If this section conflicts with a collective agreement that is binding upon the employer and if the obligations of the employer under this section in respect of a worker afford the worker greater re-employment terms in the circumstances than the terms available to the worker under the collective agreement, this section prevails over the collective agreement.

Conflict with
collective
agreement

(15) Subsection (14) does not operate to displace the seniority provisions of a collective agreement.

Idem

(16) This section does not apply in respect of,

Application

(a) employers who regularly employ fewer than twenty workers; or

- (b) such classes or subclasses of employers and workers as may be exempted by the regulations.

Emergency
workers

(17) If a worker is injured while engaged in employment described in subsection 1 (2) or (4), the worker's employer, other than the employer described in subsection 1 (2) or (4), shall be deemed to be the employer for the purposes of this section.

Idem

(18) If an employer re-employs a worker to whom subsection (17) applies, the employer described in subsection 1 (2) or (4) shall pay the costs incurred in complying with subsection (6).

20. Section 69 of the said Act is amended by adding thereto the following subsections:

Idem

(1a) Without restricting the generality of subsection (1), the Board, subject to the approval of the Lieutenant Governor in Council, may make regulations,

- (a) prescribing, for the purposes of subsections 36 (13) and 40 (3), clause 45a (7) (b) and subsection 135 (9), the way in which payments received under the Canada Pension Plan and the Quebec Pension Plan are to be included in the calculation of compensation, of the amount that a worker is able to earn or of the sum of a supplement and an award, as the case may be;
- (b) establishing criteria for determining the average earnings of an apprentice, learner or full-time or part-time student for the purposes of subsection 43 (6);
- (c) establishing, for the purposes of medical assessments under section 45, a rating schedule setting out the degree of permanent impairment for specified types of permanent impairment and setting out criteria for assessing the degree of permanent impairment of other types of permanent impairment;
- (d) establishing criteria for assessing the personal and vocational characteristics of a worker, for the purposes of clause 45a (7) (c);
- (e) establishing criteria for determining what constitutes suitable and available employment for a worker, for the purposes of clause 45a (7) (e);

- (f) prescribing factors to be considered by the Board for the purposes of clause 45a (7) (f);
- (g) governing pensions payable to workers, their spouses and their dependants under section 45b;
- (h) governing the investment of amounts in, and payments out of, the fund established under subsection 45b (10);
- (i) exempting classes or subclasses of employers or workers from the application of section 54b;
- (j) establishing criteria for determining the essential duties of a position, for the purpose of subsection 54b (2);
- (k) establishing criteria for determining what constitutes alternative employment of a nature and at earnings comparable to a worker's pre-injury employment, for the purpose of subsection 54b (4);
- (l) establishing criteria for determining what constitutes suitable employment, for the purpose of subsection 54b (5);
- (m) governing the requirements for re-employing workers, for the purpose of subsection 54b (9);
- (n) establishing criteria for determining how many workers are regularly employed by an employer, for the purpose of clause 54b (16) (a).

(1b) For the purposes of clause (1a) (e), in establishing criteria for determining what constitutes suitable and available employment for a worker, the Board shall have regard to, Idem

- (a) the fitness of the worker to perform the work;
- (b) the health and safety consequences to the worker in working in the environment in which the work is performed in light of the impairment;
- (c) the existence and location of potential employment opportunities for the worker in the labour market in which the worker is expected to be employed; and
- (d) the likelihood of the worker securing employment.

21.—(1) Clause 71 (3) (h) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 58, section 24, is amended by inserting after “disabled” in the fifth line “or impaired”.

(2) Clause 71 (3) (i) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 58, section 24, is amended by inserting after “disabled” in the fifth line “or impaired”.

22.—(1) Clause 75 (2) (d) of the said Act is amended by inserting after “disability” in the first line “or impairment”.

(2) Clause 75 (2) (e) of the said Act is amended by striking out “disability” in the first line and inserting in lieu thereof “impairment”.

(3) Clause 75 (2) (g) of the said Act is repealed and the following substituted therefor:

(g) the future loss of earnings by reason of any injury.

(4) Subsection 75 (2) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 58, section 27, is further amended by adding thereto the following clause:

(n) whether an employer has fulfilled the employer's obligation under section 54b to reinstate or re-employ a worker.

23. Section 86p of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 58, section 32, is amended by adding thereto the following subsection:

Application
of subss.
83 (3, 4)

(6a) Subsections 83 (3) and (4) apply with necessary modifications to the chairman, vice-chairman and other members of the Panel and to the officers and employees of the Panel.

24. Section 86q of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 58, section 32, is amended by adding thereto the following subsection:

Application
of s. 83

(4) Section 83 applies with necessary modifications to the officers and employees of the Office of the Worker Adviser.

25. Section 86r of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 58, section 32, is amended by adding thereto the following subsection:

Application
of s. 83

(3) Section 83 applies with necessary modifications to the officers and employees of the Office of the Employer Adviser.

26.—(1) Subsection 122 (1) of the said Act is amended by striking out “disabled” in the second line and inserting in lieu thereof “impaired” and by striking out “disablement” in the seventh line and inserting in lieu thereof “impairment”.

(2) Subsection 122 (11) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 58, section 4, is further amended by striking out “disability” in the third line and inserting in lieu thereof “impairment” and by striking out “disablement” in the last line and inserting in lieu thereof “impairment”.

27. Section 123 of the said Act is amended by adding thereto the following subsection:

(3a) Subsections 83 (3) and (4) apply with necessary modifications to directors, officers and employees of an association and to volunteers engaging in activities on behalf of an association.

Application
of subss.
83 (3, 4)

28. Part III of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 58, section 37 and amended by 1985, chapter 3, sections 5, 6, 7, 8 and 9, is repealed and the following substituted therefor:

PART III

TRANSITIONAL PROVISIONS

132. In this Part,

Definitions

“pre-1985 Act” means this Act as it read on the 31st day of March, 1985, as amended by the Statutes of Ontario, 1984, chapter 58, section 37 and 1985, chapter 3, sections 6, 7, 8 and 9;

“pre-1985 injury” means,

- (a) a personal injury by accident or an industrial disease that occurred before the 1st day of April, 1985, or
- (b) death that occurred before the 1st day of April, 1985, resulting from an injury by accident or an industrial disease;

“pre-1989 Act” means this Act as it read immediately before the coming into force of this definition, excluding Part III thereof;

“pre-1989 injury” means a personal injury by accident or an industrial disease that occurred on or after the 1st day of April, 1985 and before the coming into force of section 45a of this Act.

Pre-1985 Act
continues to
apply

133.—(1) Except as provided in this section, the pre-1985 Act continues to apply to pre-1985 injuries.

Exception

(2) Subsections 43 (5), (5a), (5b) and (5c) of the pre-1985 Act cease to apply to pre-1985 injuries on the day this section comes into force.

Pre-1989 Act
continues to
apply

134.—(1) Except as provided in this section, the pre-1989 Act continues to apply to pre-1989 injuries.

Exception

(2) Subsections 45 (5), (6), (7), (8) and (9) of the pre-1989 Act cease to apply to pre-1989 injuries on the day this section comes into force.

PERMANENT PARTIAL DISABILITY SUPPLEMENTS

Partial
disability
supplements

135.—(1) In this section,

“amount awarded for permanent partial disability” means the amount awarded for permanent partial disability under,

- (a) subsection 43 (1) of the pre-1985 Act, with respect to a pre-1985 injury, and
- (b) subsection 45 (1) of the pre-1989 Act, with respect to a pre-1989 injury;

“worker” means a worker who is permanently disabled as a result of a pre-1985 injury or a pre-1989 injury;

Temporary
supplement

(2) Subject to subsections (9) and (10), the Board shall give a supplement to a worker who, in the opinion of the Board, is likely to benefit from a vocational rehabilitation program which could help to increase the worker's earning capacity to such an extent that the sum of the worker's earning capacity after vocational rehabilitation and the amount awarded for permanent partial disability approximates the worker's average or net average earnings, as the case may be, before the worker's injury.

Idem

(3) A supplement under subsection (2) is payable for the period during which the worker participates in a Board-approved vocational rehabilitation program.

(4) Subject to subsections (8), (9) and (10), the Board shall give a supplement to a worker, Permanent supplement

(a) who, in the opinion of the Board, is not likely to benefit from a vocational rehabilitation program in the manner described in subsection (2); or

(b) whose earning capacity after a vocational rehabilitation program is not increased to the extent described in subsection (2) in the opinion of the Board.

(5) A supplement under subsection (4) for a worker described in clause (4) (a) becomes payable as of the later of, Duration of supplement

(a) the day this section comes into force; or

(b) the day the Board determines the worker has a permanent disability.

(6) A supplement under subsection (4) for a worker described in clause (4) (b) becomes payable as of the latest of, Idem

(a) the day this section comes into force;

(b) the day the Board determines the worker has a permanent disability; or

(c) the day the worker ceases to participate in a vocational rehabilitation program.

(7) A supplement under subsection (4) shall continue until the worker becomes eligible for old age security benefits. Idem

(8) The amount of a supplement under subsection (4) shall not exceed the amount of a full monthly pension for old age security under section 3 of the *Old Age Security Act* (Canada), including amendments thereto. Amount of supplement
R.S.C. 1985,
c. O-9

(9) The amount of a supplement under this section for a worker with a pre-1985 injury shall be calculated so that the sum of the supplement, the amount awarded for permanent partial disability and 75 per cent of the worker's average earnings, if any, after the injury equals 75 per cent of the worker's pre-injury average earnings. Idem

(10) The amount of a supplement under this section for a worker with a pre-1989 injury shall be calculated so that the sum of the supplement, the amount awarded for permanent partial disability and 90 per cent of the worker's net average Idem

earnings, if any, after the injury equals 90 per cent of the worker's pre-injury net average earnings.

C.P.P. and
Q.P.P.
payments

(11) In calculating the amount of a supplement under this section, the Board shall have regard to the effect of inflation on the worker's pre-injury earning rate and to any payments the worker receives under the Canada Pension Plan or the Quebec Pension Plan with respect to a disability arising from the injury.

Form of
payment

(12) A supplement under this section shall be a monthly or other periodic payment.

Recalculation

(13) The Board shall review a supplement given under subsection (4) in the twenty-fourth month following the award and in the sixtieth month following the award and recalculate the amount of the supplement in accordance with subsections (9) and (10).

29.—(1) Subsection 141 (1) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 17, section 5, is amended by striking out "(3)" in the second line.

(2) Subsection 141 (2) of the said Act, as enacted by the Statutes of Ontario, 1985, chapter 17, section 5, is amended by striking out "or under subsection 133 (3), (4), (5) or 43 (9) as continued by section 132" in the second and third lines.

Commence-
ment

30.—(1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.

Idem

(2) Sections 1 to 27 and section 29 come into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

31. The short title of this Act is the *Workers' Compensation Amendment Act, 1989*.

Bill 164

*(Chapter 14
Statutes of Ontario, 1990)*

An Act to amend the Law Society Act with respect to Insurance

The Hon. I. Scott
Attorney General



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	May 2nd, 1990
<i>2nd Reading</i>	June 27th, 1990
<i>3rd Reading</i>	June 28th, 1990
<i>Royal Assent</i>	June 28th, 1990

1871

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Bill 164

1990

**An Act to amend the
Law Society Act with respect to Insurance**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 5 of the *Law Society Act* is amended by adding the following subsection: R.S.O. 1980,
c. 233

(4) The Society may own shares of or hold a membership interest in an insurance corporation incorporated for the purpose of providing professional liability insurance to members and to persons qualified to practise law outside Ontario in Canada. Capacity to
hold an
interest in an
insurance
corporation

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. The short title of this Act is the *Law Society Amendment (Insurance) Act, 1990*. Short title

Bill 167

(Chapter 6
Statutes of Ontario, 1990)

An Act to amend the Ontario Food Terminal Act

Mr. Sterling

David S. Rose

CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	May 15th, 1990
<i>2nd Reading</i>	June 6th, 1990
<i>3rd Reading</i>	June 6th, 1990
<i>Royal Assent</i>	June 21st, 1990

THE LIFE

OF
JAMES M. SMITH

BY
JAMES M. SMITH

1850

NEW YORK
PUBLISHED BY
J. M. SMITH

1850	1851
1852	1853
1854	1855
1856	1857

Bill 167**1990****An Act to amend the Ontario Food Terminal Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

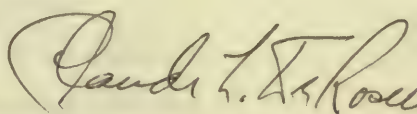
- 1. Sections 12 and 13 of the *Ontario Food Terminal Act* are repealed.** R.S.O. 1980,
c. 334
- 2. This Act comes into force on the day it receives Royal Assent.** Commence-
ment
- 3. The short title of this Act is the *Ontario Food Terminal Amendment Act, 1990*.** Short title

Bill 170

(Chapter 23
Statutes of Ontario, 1989)

An Act to revise several Acts related to Aggregate Resources

The Hon. V. Kerrio
Minister of Natural Resources



CLERK
LEGISLATIVE ASSEMBLY

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1989

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TABLE OF CONTENTS

Section	Section
1. Definitions	30. Permit subject to conditions
PART I	31. Expiration of permit
GENERAL	32. Suspension or revocation
2. Purposes of Act	PART IV
3. Administration of Act	ABANDONED PITS AND
4. Designation of inspectors	QUARRIES
5. Application	33. Abandoned pits and quarries
6. Act binds the Crown	PART V
PART II	AGGREGATE PERMITS
LICENCES	34. Aggregate permits required
7. Licences required	35. Classes of aggregate permits
8. Site plans for licences	36. Information required
9. Report	37. Issue of aggregate permits
10. Zoning by-laws	38. Public authority
11. Copies to municipalities	39. Renewal of permits
12. Matters to be considered by Minister	40. Duties of permittees
13. Issue of licences	41. Transfer of permits
14. Annual licence fees	42. Revocation, refusal to issue or transfer
15. Duties of licensees	43. Notice to applicant or permittee
16. Amendment of site plans	44. Entitlement to hearing
17. Inspection and review	45. Suspension of permit
18. Transfer of licence	46. Royalties
19. Surrender of licence	PART VI
20. Refusal to issue and refusal to consent to transfer of licence	REHABILITATION
21. Hearing by Board	47. Application of Part
22. Suspension of licence	48. Duty to rehabilitate site
PART III	49. Waiver
WAYSIDE PERMITS	50. Rehabilitation security payments by licensees
23. Application for wayside permit	51. Rehabilitation security payments by permittees
24. Permit fees	52. Rehabilitation security accounts
25. Site plans for wayside permits	53. Partial refunds
26. Matters to be considered by Minister	54. Refunds when rehabilitation fully performed
27. Issue of permits	55. Entry upon site for rehabilitation
28. Copies to municipalities	
29. Duties of permittees	

Section

56. When rehabilitation not performed

PART VII

OFFENCES AND PENALTIES

57. Operation of pit or quarry without licence or permit
58. Penalty
59. Order for compliance

PART VIII

TERRITORY WITHOUT MUNICIPAL ORGANIZATION

60. Notice of application for licence in area without municipal organization
61. Publication of notice

PART IX

MISCELLANEOUS

62. Record keeping
63. Restraining orders
64. Service of notices

Section

65. Joint effect
66. Act overrides municipal by-laws, etc.
67. Regulations
68. Relief from compliance
69. Pits and quarries under licence or permit under R.S.O. 1980, cc. 378, 268, 39
70. Non-application of s. 10, s. 11 (2-9) and waiver of s. 9
71. Act applies to pits and quarries in newly designated areas
72. Application under R.S.O. 1980, cc. 378, 268, 39 deemed application under this Act
73. Quarrying near Niagara escarpment
74. Licence or permit prevails
75. Aggregate deemed removed
76. Permits and licences under R.S.O. 1980, cc. 268, 39
77. Repeals
78. Commencement
79. Short title

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1.—(1) In this Act,

“aggregate” means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock other than metallic ores, or other prescribed material;

“Board” means the Ontario Municipal Board;

“Commissioner” means the Mining and Lands Commissioner;

“earth” does not include topsoil and peat;

“environment” means the air, land and water, or any combination or part thereof of the Province of Ontario;

“established pit or quarry” means a pit or quarry from which a substantial amount of aggregate has been excavated within the two-year period immediately before the part of Ontario in which the pit or quarry is located was designated under subsection 5 (2);

“excavate” includes the preparation of land for excavation and removal of hills, sand dunes, knolls, stones and rocks other than metallic ores from the general surface of the ground;

“final rehabilitation” means rehabilitation in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit performed after the excavation of aggregate and the progressive rehabilitation, if any, have been completed;

“highway” has the same meaning as in the *Public Transportation and Highway Improvement Act* and includes an unopened road allowance; R.S.O. 1980,
c. 421

“inspector” means any employee of the Ministry designated in writing by the Minister as an inspector for the purposes of this Act;

“land under water” means the bed, bank, beach, shore, bar, flat or water of or in any lake, river, stream or other waterbody or adjoining any channel or entrance thereto but does not include a waterbody resulting from excavation of aggregate below the water table;

“licence” means a licence for a pit or quarry issued under this Act;

“licensee” means a person who holds a licence;

“management” means the provision for the identification, orderly development and protection of the aggregate resources of Ontario;

“Minister” means the Minister of Natural Resources;

“Ministry” means the Ministry of Natural Resources;

“operate”, when used in relation to a pit or quarry, means “work” and includes all activities associated with a pit or quarry that are carried out on the site;

“permit” means an aggregate permit or a wayside permit issued under this Act;

“permittee” means a person who holds a permit;

“person” includes a public authority;

“pit” means land or land under water from which unconsolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or other work on the excavation site or in relation to which an order has been made under subsection (3);

“prescribed” means prescribed by the regulations;

“progressive rehabilitation” means rehabilitation done sequentially, within a reasonable time, in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit during the period that aggregate is being excavated;

R.S.O. 1980,
c. 303

“public authority” means the Crown, a municipality, a local board as defined in the *Municipal Affairs Act* or a local roads board;

“quarry” means land or land under water from which consolidated aggregate is being or has been excavated, and that has not been rehabilitated, but does not mean land or land under water excavated for a building or other work on the excavation site or in relation to which an order has been made under subsection (3);

“regional municipality” includes a district municipality and The Municipality of Metropolitan Toronto;

“regulations” means the regulations made under this Act;

“rehabilitate” means to treat land from which aggregate has been excavated so that the use or condition of the land,

(a) is restored to its former use or condition, or

(b) is changed to another use or condition that is or will be compatible with the use of adjacent land;

“road” has the same meaning as highway;

“site” means the land or land under water to which a licence or permit or an application therefor relates;

“Treasurer” means the Treasurer of Ontario and Minister of Economics;

1983, c. 1

“zoning by-law” means a by-law passed under section 34 or 37 of the *Planning Act*, 1983 or any predecessor thereof and includes an order made under clause 46 (1) (a) of the

Planning Act, 1983 or any predecessor thereof and a land use regulation made under subsection 4 (1) of the *Parkway Belt Planning and Development Act* or any predecessor thereof and includes zoning control by a development permit issued under the *Niagara Escarpment Planning and Development Act*. R.S.O. 1980, c. 378, s. 1, *amended*. 1983, c. 1
R.S.O. 1980, c. 368
R.S.O. 1980, c. 316

(2) The Minister may, in his or her absolute discretion, determine in cases where doubt exists, whether an excavation site is a pit or quarry. Determination by Minister of pit or quarry in cases of doubt

(3) The Minister, if of the opinion that the primary purpose of an excavation is not for the production of aggregate, may in his or her absolute discretion by order declare that the land or land under water on which the excavation is situate is not a pit or quarry for the purposes of this Act. Order that an excavation is not a pit or quarry

(4) The Minister, if the matter appears to warrant it, shall serve notice of a proposed order under subsection (3), including reasons therefor, upon the clerk of the local municipality in which the excavation is located and, where applicable, upon the clerk of the regional municipality or county, as the case may be, for their information and comment. Notice to municipality

(5) The Minister may not issue the order until the Minister is served with comments by the municipalities or thirty days after service of the notice by the Minister, whichever occurs first. *New*. Delay in relief

PART I

GENERAL

2. The purposes of this Act are, Purposes of Act

- (a) to provide for the management of the aggregate resources of Ontario;
- (b) to control and regulate aggregate operations on Crown and private lands;
- (c) to require the rehabilitation of land from which aggregate has been excavated; and
- (d) to minimize adverse impact on the environment in respect of aggregate operations. *New*.

3.—(1) The Minister is responsible for the administration of this Act and the regulations. Administration of Act

Idem

(2) In administering this Act, the Minister may,

- (a) initiate research related to technical matters pertaining to,
 - (i) the aggregate industry, including the transportation of aggregate and the rehabilitation of pits and quarries,
 - (ii) underground mining of aggregate, and
 - (iii) aggregate excavation from beneath water;
- (b) initiate studies of geological deposits that may yield aggregate of commercial qualities and quantities;
- (c) estimate from time to time the demand that will be made for aggregate and establish policies for the supply thereof;
- (d) collect, analyze and publish statistics related to the aggregate industry;
- (e) initiate studies related to the uses of aggregate and the economics and operations of the aggregate industry;
- (f) advise ministries and municipalities on planning matters related to aggregate;
- (g) initiate studies related to abandoned pits and quarries;
- (h) initiate studies on environmental and social matters related to pits and quarries;
- (i) convene conferences and conduct seminars and educational and training programs related to pits and quarries and the aggregate industry;
- (j) establish and maintain demonstration and experimental rehabilitation projects for pits and quarries;
- (k) employ any person to perform work in connection with any matter mentioned in this Act; and
- (l) consult with ministries, municipalities and agencies.
New.

4.—(1) The Minister may designate in writing any employee of the Ministry as an inspector for the purposes of this Act. R.S.O. 1980, c. 378, s. 1 (b), *amended*.

Designation
of inspectors

(2) An inspector, for the purpose of carrying out assigned duties,

Powers of
inspectors

(a) may enter, at any reasonable time, any land, vessel or business premises that is or appears to be used or has or appears to have been used in respect of a pit or quarry or any activity or use related to aggregate or rehabilitation;

(b) may require the production of a licence, a permit, any record or document respecting aggregate or rehabilitation, a report or a survey and may inspect and make copies thereof;

(c) may, upon giving a receipt therefor, remove any licence, permit, record or document produced under clause (b) and make copies thereof; and

(d) may, alone or in conjunction with other persons possessing special or expert knowledge, make examinations, tests or inquiries and take or remove samples of any material. R.S.O. 1980, c. 378, s. 13 (1), *amended*.

(3) An inspector who makes a copy under clause (2) (c) shall do so with dispatch and shall promptly return the original licence, permit, record or document.

Copies

(4) Any copy made as provided in clause (2) (b) or (c) and certified to be a true copy by the inspector who carried out the inspection is admissible in evidence in any action, proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original licence, permit, record or document and its contents. *New*.

Idem

5.—(1) This Act and the regulations apply to,

Application

(a) all aggregate and topsoil that is the property of the Crown or that is on land the surface rights of which are the property of the Crown;

(b) private land in parts of Ontario that have been designated under the *Pits and Quarries Control Act* or a predecessor thereof;

R.S.O. 1980,
c. 378

- (c) private land in parts of Ontario that are designated under subsection (2); and
- (d) all land under water. *New.*

Designation
of parts

(2) The Lieutenant Governor in Council may make regulations designating parts of Ontario for the purpose of clause (1) (c). R.S.O. 1980, c. 378, s. 2, *amended*.

Redesig-
nation of
designated
parts
R.S.O. 1980,
c. 378

(3) The Lieutenant Governor in Council may make regulations redesignating the parts of Ontario that have been designated under the *Pits and Quarries Control Act* or a predecessor thereof. *New.*

Act binds the
Crown

6. This Act binds the Crown except where it specifically states otherwise. *New.*

PART II

LICENCES

Licences
required

7.—(1) No person shall, in a part of Ontario designated under section 5, operate a pit or quarry on land that is not land under water and the surface rights of which are not the property of the Crown except under the authority of and in accordance with a licence.

Application
for licence

(2) Any person may apply to the Minister, on a form provided by the Minister,

- (a) for a Class A licence to excavate annually more than 20,000 tonnes of aggregate from a pit or quarry; or
- (b) for a Class B licence to excavate annually 20,000 tonnes or less of aggregate from a pit or quarry.

Idem

(3) Every application for a licence must be accompanied by,

- (a) ten copies of the site plan referred to in section 8;
- (b) if the application is for a Class A licence, ten copies of the report referred to in section 9;
- (c) the information referred to in section 10; and
- (d) the prescribed application fee. R.S.O. 1980, c. 378, s. 4, *amended*.

(4) The number of copies of a site plan or of a report that are required to be submitted under subsection (3) may be varied, in specific situations, by the Minister. Copies

(5) The Minister may require an applicant for a licence to furnish additional information in such form and manner as is considered necessary, and, until the information is furnished, further consideration of the application may be refused. Additional information
New.

8.—(1) The site plan accompanying an application for a Class A licence must show, Site plans for licences

- (a) a key map showing the location of the site;
- (b) a general description of the site, including lot and concession lines, if any;
- (c) the shape, dimensions and hectarage of the site;
- (d) the use of the land and the location and the use of the buildings and other structures within 150 metres of the site of the pit or within 500 metres of the site of the quarry;
- (e) the location, dimensions and use of the buildings and other structures existing or proposed to be erected on the site;
- (f) the location of the excavation setback limits;
- (g) the location and type of existing and proposed fences;
- (h) the location of existing and proposed tree screens and the species, size and types of the trees;
- (i) the location, dimensions and design of earth berms;
- (j) any significant natural and man made features;
- (k) the location and size of existing and proposed stockpiles of topsoil, subsoil and overburden and the location and size of proposed aggregate stockpile areas;
- (l) the topography of the site including existing and estimated final contours;

- (m) every existing and proposed entrance to and exit from the site;
- (n) all existing and proposed major roads on the site;
- (o) the water table and any existing surface water on and surrounding the site and proposed water diversion, storage and drainage facilities on the site and points of discharge to surface waters;
- (p) subject to available information, the location of water wells on and within 300 metres of the site;
- (q) the maximum depth of excavation and whether it is intended to excavate below the water table;
- (r) the sequence and direction of operation of the pit or quarry;
- (s) the progressive rehabilitation and final rehabilitation plans; and
- (t) any other necessary information respecting the site. R.S.O. 1980, c. 378, s. 4 (2), *amended*.

Idem

(2) The information required under subsection (1) must be presented in at least three separate drawings under the headings,

- (a) Existing Features;
- (b) Operational Plan; and
- (c) Progressive Rehabilitation and Final Rehabilitation Plans.

Idem

(3) For the purpose of subsection (2), the drawings must be at a scale of 1:2000, 1:5000 or, in any particular case, at such other scale as the Minister may approve.

Site plan

(4) Every site plan accompanying an application for a Class A licence must be prepared under the direction of and certified by a professional engineer who is a member of the Association of Professional Engineers of Ontario, a land surveyor who is a member of the Association of Ontario Land Surveyors, a landscape architect who is a member of the Ontario Association of Landscape Architects, or any other qualified person approved in writing by the Minister. *New.*

(5) The site plan accompanying an application for a Class B licence must show, Site plans for
Class B
licences

- (a) a key map showing the location of the site;
- (b) a general description of the site, including lot and concession lines, if any;
- (c) the shape, dimensions and hectarage of the site;
- (d) the use of the land and the location and use of the buildings and other structures within 150 metres of the site of the pit or within 500 metres of the site of the quarry;
- (e) the location, dimensions and use of the buildings and other structures existing or proposed to be erected on the site;
- (f) the location of the excavation setback limits;
- (g) the location and type of existing and proposed fences;
- (h) the location of existing and proposed tree screens and the species, size and types of the trees;
- (i) the location, dimensions and design of earth berms;
- (j) any significant natural and man made features;
- (k) the location and size of existing and proposed stock-piles of topsoil, subsoil and overburden and the location and size of proposed aggregate stockpile areas;
- (l) the existing and estimated final elevations of the site;
- (m) every existing and proposed entrance to and exit from the site;
- (n) any existing surface water on and surrounding the site and proposed water diversion, storage and drainage facilities on the site and points of discharge to surface waters;
- (o) subject to available information, the location of water wells on and within 300 metres of the site;

- (p) the maximum depth of excavation and whether it is intended to excavate below the water table;
- (q) the sequence and direction of operation of the pit or quarry;
- (r) the progressive rehabilitation and final rehabilitation plans;
- (s) the approximate scale; and
- (t) any other necessary information respecting the site.
R.S.O. 1980, c. 378, s. 4 (3), *amended*.

Signature

(6) Every site plan accompanying an application for a Class B licence must be in a style and manner acceptable to the Minister and must be signed by the applicant.

Plans
property of
the Crown

(7) Every site plan submitted with an application under this section becomes the property of the Crown upon the licence applied for being issued. *New*.

Report

9.—(1) The report accompanying an application for a Class A licence must be signed by the author and must provide information for evaluation by the Minister,

- (a) as to the suitability of the progressive rehabilitation and final rehabilitation plans having regard to the adjacent lands;
- (b) describing the environment that may be expected to be affected by the pit or quarry operation and any proposed remedial measures that are considered necessary;
- (c) describing the social and economic effects that may be expected as a result of the pit or quarry operation;
- (d) respecting the quality and quantity of the aggregate on the site;
- (e) as to the main haulage routes and proposed truck traffic to and from the site;
- (f) supplementing clause 8 (1) (o);
- (g) describing the location and size of existing and proposed stockpiles of topsoil, subsoil and overburden

and the location and size of proposed aggregate stockpile areas;

- (h) respecting any planning and land use considerations;
- (i) setting out the reasons for any conclusions in the report; and
- (j) any other necessary information respecting the site.

(2) Every report submitted with an application under this section becomes the property of the Crown upon the licence applied for being issued. *New.*

Reports
property of
the Crown

10. An applicant for a licence must furnish information satisfactory to the Minister describing the zoning by-laws applicable to the site and adjacent lands. *New.*

Zoning
by-laws

11.—(1) The Minister, upon being satisfied that an application for a licence and the documents accompanying it comply with this Act and the regulations, shall, where applicable, serve a copy of the application and accompanying documents upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information and comment.

Copies to
municipalities

(2) On the day that the Minister effects service under subsection (1), the Minister shall serve the applicant with notice that the applicant must cause notice of the application,

Notice by
Minister

- (a) to be published in the prescribed form in two successive issues of a newspaper or newspapers having general circulation in the locality in which the site is located; and
- (b) to be given in signs placed in the prescribed manner on the site.

(3) The applicant shall notify the Minister when the publication of the notice and the placement of the signs have been completed.

Notice of
publication

(4) Any person may serve upon the Minister, within forty-five days after the second publication of the notice under clause (2) (a) or within such further period as the Minister may allow, a notice of objection to the issue of the licence applied for and the reasons therefor.

Notice of
objection

Idem

(5) Upon receipt of a notice under subsection (4), the Minister shall provide the applicant with a copy thereof. *New.*

Notice
requiring
hearing

(6) Any person who has served notice under subsection (4) may, in addition, serve upon the Minister, within the period provided under subsection (4), a notice that the person requires a hearing of the matter before the Board.

Reference to
Board for a
hearing

(7) Upon receipt of a notice under subsection (6) that, in the opinion of the Minister, discloses an interest in the matter that is sufficiently substantial to warrant a hearing and is not frivolous or vexatious, the Minister shall refer the application and the objections to the Board for a hearing. R.S.O. 1980, c. 378, s. 5 (3), *amended.*

Idem

(8) The Minister may, on his or her own motion, refer an application and objections, if any, to the Board for a hearing. R.S.O. 1980, c. 378, s. 5 (4), *amended.*

What Board
may consider
at one
hearing
1983, c. 1

(9) The Board may consider an application for an amendment to any relevant planning matter referred to it under the *Planning Act, 1983* and an application referred to it under subsection (7) or (8) at the same hearing. *New.*

Matters to be
considered by
Minister

12. The Minister in considering whether to issue or refuse a licence shall have regard to,

- (a) the effect of the operation of the pit or quarry on the environment;
- (b) the effect of the operation of the pit or quarry on nearby communities;
- (c) any comments provided by the municipality in which the site is located;
- (d) the suitability of the progressive rehabilitation and final rehabilitation plans for the site;
- (e) any possible effects on ground and surface water resources;
- (f) any possible effects of the operation of the pit or quarry on agricultural resources;
- (g) any planning and land use considerations;
- (h) the main haulage routes and proposed truck traffic to and from the site;

- (i) the quality and quantity of the aggregate on the site;
- (j) the recommendation of the Board under section 21, if such a recommendation is made; and
- (k) such other matters as are considered appropriate. R.S.O. 1980, c. 378, s. 6 (1), *amended*.

13.—(1) The Minister may issue a licence, subject to such conditions as the Minister considers necessary. R.S.O. 1980, c. 378, s. 6 (4), *amended*. Issue of licences

(2) Subject to section 20, the Minister may, at any time, add a condition to a licence or rescind or vary a condition of a licence. Changes of conditions

(3) A licensee and any municipality served with notice under clause 20 (4) (a) may provide the Minister with comments within thirty days after service of the notice and the Minister shall take no action until the thirty days have elapsed. No action until 30 days elapsed after notice by Minister

(4) The Minister may take the proposed action before the thirty days have elapsed if comments have been received from all persons notified and if the licensee waives the right under subsection 20 (6) to require a hearing. Exception

(5) The Minister may, subject to subsections 69 (3) and 70 (3), issue a licence only if the site complies with all relevant zoning by-laws. Zoning by-laws

(6) The Minister, if in doubt as to whether there is compliance with a zoning by-law, may require the applicant to refer the matter to the Divisional Court for a declaratory judgment on the matter. Reference to court

(7) The Minister, on issuing a licence, shall serve a copy of it upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information. *New.* Copies to municipalities

14.—(1) Every licensee shall pay to the Treasurer an annual licence fee, at a time specified by the Minister, in an amount equal to the application fee paid for the licence or calculated by multiplying the number of tonnes of aggregate removed from the site during the previous year by the prescribed rate per tonne, whichever is greater. Annual licence fees

- Revocation (2) If the required licence fee is not paid, the Minister may revoke the licence.
- No notice or hearing (3) Subsections 20 (3), (5) and (6) do not apply to a licence revoked under subsection (2).
- Disbursal of annual licence fees (4) The prescribed percentage of the total of the annual licence fees collected shall be disbursed to such municipalities and in such amounts, manner and for such purposes as are prescribed.
- Rehabilitation of abandoned pits and quarries (5) The prescribed percentage of the total of the annual licence fees collected shall be set apart for the purposes mentioned in subsection 33 (2).
- Unpaid licence fees (6) Any unpaid annual licence fee is a debt due to the Crown and may be recovered by the Crown in any court of competent jurisdiction. *New.*
- Duties of licensees **15.** Every licensee shall operate the licensee's pit or quarry in accordance with this Act, the regulations, the site plan and the conditions of the licence. R.S.O. 1980, c. 378, s. 3, s.4 (4), *part, amended.*
- Amendment of site plans **16.**—(1) Subject to section 20, the Minister may at any time require a licensee to amend the site plan. *New.*
- Idem (2) A licensee may amend the site plan at any time with the approval in writing of the Minister. R.S.O. 1980, c. 378, s. 4 (4), *part, amended.*
- Idem (3) The Minister may require any amended site plan to be prepared under the direction of and certified by a person referred to in subsection 8 (4).
- No action until 30 days elapsed after notice by Minister (4) A licensee and any municipality served with notice under clause 20 (4) (b) or (c) may provide the Minister with comments within thirty days after service of the notice and the Minister shall take no action until the thirty days have elapsed.
- Exception (5) The Minister may take the proposed action before the thirty days have elapsed if comments have been received from all persons notified and, in the case of a proposal to require the amendment of a site plan, if the licensee waives the right under subsection 20 (6) to require a hearing. *New.*
- Inspection and review **17.**—(1) For the purpose of assessing the licensee's compliance with this Act, the regulations, the site plan and the con-

ditions of the relevant licence, the Minister, at least once a year,

- (a) shall cause each site to be inspected;
- (b) shall cause a review of each site plan and the conditions of each licence; and
- (c) shall consider all comments provided by the municipalities in which the site is located concerning the licensee's compliance with this Act, the regulations, the site plan and the conditions of the relevant licence. R.S.O. 1980, c. 378, s. 7 (1), *amended*.

(2) An inspector, upon completing an inspection of a site, shall prepare a written report that shall include a description of any practice or procedure of the licensee or any matter related to the site that, in the opinion of the inspector, is a contravention of this Act, the regulations, the site plan or the conditions of the relevant licence.

Written
report by
inspector

(3) Any person may, during normal office hours of the Ministry, examine any report made under subsection (2) and, upon a request therefor and payment of a reasonable fee, such person shall be provided with a copy of the report or extracts therefrom.

Copy of
report

(4) For the purpose of each fourth review under subsection (1), the Minister shall, where applicable, request in writing that the council of the regional municipality or county, as the case may be, and the council of the local municipality in which each pit or quarry is located send to him or her, within forty-five days after receiving the request, their comments on each pit or quarry concerning the licensee's compliance with this Act, the regulations, the site plan and the conditions of the relevant licence.

Municipal
comments
every four
years

(5) If a copy of a site plan is served upon the Minister under subsection 69 (5), each fourth review shall be calculated from the year in which service was made upon the Minister.

Idem

18.—(1) Upon application therefor accompanied by the prescribed transfer fee, the Minister may consent to the transfer of a licence. R.S.O. 1980, c. 378, s.14, *amended*.

Transfer of
licence

(2) Any municipality served with notice under clause 20 (4) (d) may provide the Minister with comments on compliance with this Act, the regulations, the site plan and the conditions of the licence within thirty days after service of the

Idem

notice and the Minister shall take no action until the thirty days have elapsed or comments have been received, whichever occurs first.

Transfer of
rehabilitation
security

(3) When a licence is transferred, any sum in the rehabilitation security account of the transferor shall be transferred to an account in the name of the transferee and the right, title and interest in that sum vest in the transferee.

Copy to
municipalities

(4) When a licence is transferred, the Minister shall, where applicable, serve a copy of the licence in the name of the transferee upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information.

Death of
licensee

(5) On the death of an individual who holds a licence as a sole proprietor, the personal representative of the individual may continue to operate the pit or quarry for a period of one year as if the licence were issued to the personal representative.

Idem

(6) A personal representative who operates a pit or quarry under subsection (5) shall notify the Minister of the death of the licensee within one month thereafter. *New.*

Surrender of
licence

19.—(1) Upon being satisfied that a licensee's annual licence fee and rehabilitation security, whenever payable, have been paid before the licensee applies to surrender a licence and that the rehabilitation has been performed in accordance with this Act, the regulations, the site plan and the conditions of the licence, the Minister may accept the surrender of the licence.

Disposition
of surplus
rehabilitation
moneys

(2) Any sum remaining in a former licensee's rehabilitation security account when the Minister accepts surrender of the licence shall be paid by the Treasurer to the former licensee. *New.*

Refusal to
issue and
refusal to
consent to
transfer of
licence

20.—(1) The Minister may refuse to issue or refuse to consent to the transfer of a licence. R.S.O. 1980, c. 378, s. 6 (1), *part, amended.*

Revocation
of licences

(2) The Minister may revoke a licence for any contravention of this Act, the regulations, the site plan or the conditions of the licence. R.S.O. 1980, c. 378, s. 7 (2), *amended.*

Notice to
licensee

(3) If the Minister,

- (a) refuses to issue a licence and the application has not been referred to the Board for a hearing under section 11 or 60;
- (b) attaches a condition to a licence issued under subsection 69 (3) that adds, rescinds or varies a condition of the licence it replaces;
- (c) refuses to consent to the transfer of a licence; or
- (d) revokes a licence,

he or she shall serve forthwith notice thereof, including reasons therefor, upon the applicant or licensee.

(4) If the Minister,

Idem

- (a) proposes to add a condition to a licence after its issue or to rescind or vary a condition of a licence;
- (b) proposes to require the amendment of a site plan;
- (c) proposes to approve the amendment of a site plan;
or
- (d) proposes to consent to the transfer of a licence,

he or she shall serve forthwith notice thereof, including reasons therefor, upon the licensee and where, in the opinion of the Minister, the matter is of importance and it is appropriate to do so, upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information.

(5) Any action of the Minister under clause (3) (a), (b), (c) or (d) is effective as soon as the required notice is served upon the applicant or licensee and, despite the fact that the applicant or licensee requires a hearing by the Board, remains effective until the Minister takes action under subsection 21 (4).

Time of
taking effect

(6) An applicant or licensee who is served with a notice under subsection (3) or (4) is entitled to a hearing by the Board if the applicant or licensee, within thirty days after being served, serves the Minister with a notice that a hearing is required.

Entitlement
to hearing

(7) The Minister, if served with a notice under subsection (6), shall, within thirty days after being served, refer the mat-

Hearing

ter to the Board for a hearing. R.S.O. 1980, c. 378, s. 8, *amended*.

Where no
hearing

(8) If the Minister proposes an action referred to in clause (4) (a) or (b) and the applicant or licensee does not require a hearing under subsection (6), the Minister may carry out the proposal. *New*.

Hearing by
Board

21.—(1) The Board shall hold a hearing on a matter referred to it under section 11, 20 or 60, and the applicant or licensee, the Minister and such other persons as the Board specifies shall be parties to the hearing.

Procedure

R.S.O. 1980,
c. 347

(2) A hearing by the Board shall be conducted in accordance with the rules, practices and procedures as determined by the Board under the *Ontario Municipal Board Act*, except that section 94 of that Act does not apply.

Report of
Board

(3) The Board shall, at the conclusion of a hearing under this section, make a report to the Minister setting out its findings and its recommendations as to the issue involved and shall send a copy of its report to each party to the hearing.

Decision of
Minister

(4) After considering the report of the Board, the Minister may take such action as the Minister considers appropriate and shall serve notice of the decision and the reasons therefor upon the other parties to the hearing and upon any municipality served under subsection 11 (1) or subsection 20 (4), as the case may be.

Decision final

(5) The decision of the Minister is final. R.S.O. 1980, c. 378, s. 9, *amended*.

Suspension of
licence

22.—(1) The Minister may suspend a licence for any period of time, not exceeding six months, for any contravention of this Act, the regulations, the site plan or the conditions of the licence, effective as soon as the notice mentioned in subsection (2) is served upon the licensee. R.S.O. 1980, c. 378, s. 8 (4), *amended*.

Notice of
suspension

(2) Notice of suspension of a licence, including the reasons therefor, shall be served upon the licensee and, where applicable, upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information.

Further
particulars of
notice

(3) The notice mentioned in subsection (2) shall inform the licensee of the period of the suspension, of the action the licensee must take or desist from taking before the suspension will be lifted, that the suspension will be lifted as soon as the

licensee has complied with the notice to the satisfaction of the Minister, and that, if the licensee does not comply with the notice within the period of the suspension, the Minister may revoke the licence.

(4) If a licensee whose licence has been suspended has not taken or desisted from taking the action as required within the period of the suspension, the Minister may revoke the licence, in which case subsections 20 (3), (5) and (6) apply. *New.* Revocation

PART III

WAYSIDE PERMITS

23.—(1) Any public authority, or any person who has a contract with a public authority, that requires aggregate for a temporary project from a source in a part of Ontario designated under section 5 that is not under licence or permit may apply to the Minister, on a form provided by the Minister, for a wayside permit to operate a pit or quarry. Application for wayside permit

(2) Subsection 7 (1) does not apply to a person who has a wayside permit. Licence not required

(3) An application under subsection (1) shall not be considered unless, in the Minister's opinion, Limitation

(a) the aggregate is required,

(i) for a project of road construction or road maintenance, from outside the limits of the right of way of the highway, or

(ii) for an urgent project for which no alternative source of aggregate under licence or permit is readily available in the vicinity;

(b) the aggregate is necessary for the purposes of a contract or project; and

(c) adequate provision can be made as conditions of the permit to ensure a method of operation and rehabilitation so as to cause only a temporary inconvenience to the public.

(4) Every application for a wayside permit shall be accompanied by five copies of the site plan referred to in section 25. Requirements for permit

(5) The Minister may require an applicant for a wayside permit to furnish additional information in such form and Additional information

manner as is considered necessary, and, until the information is furnished, further consideration of the application may be refused.

Copies to
municipalities

(6) The Minister, upon being satisfied that an application for a wayside permit and the documents accompanying it comply with this Act and the regulations, shall, where applicable, serve a copy of the application and accompanying documents upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information. *New.*

Permit fees

24.—(1) Every applicant for a wayside permit shall, before the permit is issued, pay to the Treasurer a prescribed permit fee or a permit fee as calculated by multiplying the maximum number of tonnes that the permit authorizes by the prescribed rate per tonne of aggregate, whichever is the greater.

Refund of
fee

(2) If a wayside permit expires or is revoked, the permittee is entitled to a refund of any remaining balance of the permit fee calculated by multiplying the number of tonnes that the permit authorized that were not removed from the site by the prescribed rate per tonne of aggregate applicable at the date the permit was issued.

Disbursal of
permit fees

(3) Subject to subsection (2), the prescribed percentage of the total of the wayside permit fees collected shall be disbursed to such municipalities and in such amounts, manner and for such purposes as are prescribed.

Rehabili-
tation of
abandoned
pits and
quarries

(4) Subject to subsection (2), the prescribed percentage of the total of the wayside permit fees collected shall be set apart for the purposes mentioned in subsection 33 (2).

Non-
refundable
fee

(5) Despite subsection (2), the prescribed permit fee is not refundable. *New.*

Site plans for
wayside
permits

25.—(1) The site plan accompanying an application for a wayside permit must be in a style and manner acceptable to the Minister and must be signed by the applicant.

Idem

(2) The site plan accompanying an application for a wayside permit must show,

(a) a key map showing the location of the site;

(b) a general description of the site, including lot and concession lines, if any;

- (c) the public authority that is a party to the contract and the number of the project;
- (d) the location of the project;
- (e) the name and address of the owner of the site;
- (f) the shape, dimensions and hectarage of the site and the area to be excavated;
- (g) the existing and estimated final elevations of the site;
- (h) the use of the land and the location and use of the buildings and other structures within 150 metres of the site of the pit or within 500 metres of the site of the quarry;
- (i) the location, dimensions and use of the buildings and other structures existing or proposed to be erected on the site;
- (j) any significant natural and man made features;
- (k) every entrance to and exit from the site;
- (l) any existing and proposed drainage facilities on the site and points of discharge to surface waters;
- (m) subject to available information, the location of water wells on and within 300 metres of the site;
- (n) the maximum depth of excavation and whether it is intended to excavate below the water table;
- (o) the sequence and direction of operation of the pit or quarry;
- (p) the final rehabilitation plan;
- (q) the approximate scale; and
- (r) any other necessary information respecting the site.

(3) Every site plan submitted with an application under this section becomes the property of the Crown upon the permit applied for being issued. *New.*

Property of
the Crown

26. The Minister in considering whether to issue or refuse a wayside permit shall have regard to,

Matters to be
considered by
Minister

- (a) any comments provided by the municipalities in which the site is located;
- (b) the effect of the operation of the pit or quarry on the environment and nearby communities;
- (c) the amount of aggregate estimated to be removed from the site;
- (d) the estimated cost of the aggregate for the project as compared with that from any alternative source of supply;
- (e) the proper management of the aggregate resources of the area;
- (f) any previous wayside permits for the site and adjacent lands;
- (g) the rehabilitation of the site and its compatibility with adjacent land;
- (h) any possible effects on ground and surface water resources;
- (i) any proposed aesthetic improvements to the landscape;
- (j) the main haulage routes and proposed truck traffic to and from the site; and
- (k) such other matters as are considered appropriate. R.S.O. 1980, c. 378, s. 12 (2), *amended*.

Issue of
permits

27.—(1) The Minister may in his or her discretion issue a wayside permit whether or not the location of the site complies with all relevant zoning by-laws. R.S.O. 1980, c. 378, s. 12 (3), *amended*.

Limitation

(2) No wayside permit shall be issued if the issuance will result in more than one wayside permit for one site at any time.

Niagara
Escarpment
Planning
Area

R.S.O. 1980,
c. 316

(3) Despite subsection (1), no wayside permit shall be issued for a site in the Niagara Escarpment Planning Area, as defined in the *Niagara Escarpment Planning and Development Act*, unless the location of the site complies with a development permit issued under that Act.

(4) Despite subsection (1), no wayside permit shall be issued for a site zoned and developed for residential use or zoned as an area having particular environmental sensitivity. Exception

(5) The Lieutenant Governor in Council may make regulations governing and limiting the issuance of wayside permits. Regulations limiting issuance
New.

28. The Minister, on issuing a wayside permit, shall, where applicable, serve a copy of the wayside permit upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information. *New.* Copies to municipalities

29. Every wayside permittee shall operate the permittee's pit or quarry in accordance with this Act, the regulations, the site plan and the conditions of the permit. R.S.O. 1980, c. 378, s. 3, s. 4 (4), *part, amended.* Duties of permittees

30.—(1) The Minister may in his or her discretion issue a wayside permit subject to such conditions as are considered necessary, including conditions that set out the maximum amount of aggregate that may be removed, the maximum area that may be excavated and, subject to section 31, the duration of the permit. Permit subject to conditions

(2) The Minister may, at any time, add a condition to a wayside permit or rescind or vary any condition of a wayside permit. Variation of conditions

(3) The Minister, after taking any action under subsection (2), shall serve notice thereof, including reasons therefor, upon the permittee and, where applicable, upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information. *New.* Notice to municipalities

31. A wayside permit expires on the completion of the project in respect of which it was issued or eighteen months after its date of issue, whichever occurs first. R.S.O. 1980, c. 378, s. 12 (4), *amended.* Expiration of permit

32.—(1) The Minister may, at any time, suspend or revoke a wayside permit for any contravention of this Act, the regulations, the site plan or the conditions of the permit, effective as soon as the notice mentioned in subsection (2) is served upon the permittee. R.S.O. 1980, c. 378, s. 12 (5), *amended.* Suspension or revocation

Notice to
municipalities

(2) Notice of suspension or revocation of a permit, including reasons therefor, shall be served upon the permittee and, where applicable, upon the clerk of the regional municipality or county, as the case may be, and upon the clerk of the local municipality in which the site is located for their information.

Suspension—
duration

(3) The Minister may suspend a wayside permit for any period of time not exceeding six months.

Suspension—
further
particulars of
notice

(4) The notice mentioned in subsection (2) shall inform the permittee of the period of the suspension, of the action the permittee must take or desist from taking before the suspension will be lifted, that the suspension will be lifted as soon as the permittee has complied with the notice to the satisfaction of the Minister, and that, if the permittee does not comply with the notice within the period of the suspension, the Minister may revoke the permit.

Suspension—
consequence
of no
remedial
action

(5) If a permittee whose permit has been suspended has not taken or desisted from taking the action as required within the period of the suspension, the Minister may revoke the permit.
New.

PART IV

ABANDONED PITS AND QUARRIES

Abandoned
pits and
quarries

33.—(1) The Minister may declare any pit or quarry for which a licence or wayside permit is not in force to be abandoned,

- (a) after receiving the consent of the person assessed for the land on which the pit or quarry is located; and
- (b) where applicable, after consultation with the regional municipality or county, as the case may be, and the local municipality in which the pit or quarry is located.

Disbursal for
rehabilitation

(2) The Minister may disburse any portion of the fees set apart under subsections 14 (5) and 24 (4) for,

- (a) pre-program surveys or studies respecting the location, condition and rehabilitation of pits and quarries, for which a licence or wayside permit is not in force; and
- (b) the rehabilitation of abandoned pits and quarries.
New.

PART V

AGGREGATE PERMITS

34.—(1) No person shall, except under the authority of and in accordance with an aggregate permit, operate a pit or quarry, Aggregate permits required

- (a) to excavate aggregate or topsoil that is on land the surface rights of which are the property of the Crown;
- (b) to excavate aggregate or topsoil that is the property of the Crown from land under water;
- (c) to excavate aggregate or topsoil that is the property of the Crown in a part of Ontario that is not designated under section 5; or
- (d) to excavate aggregate that is not the property of the Crown from land under water.

(2) The excavation of aggregate or topsoil resulting from non-aggregate mineral extraction from a placer deposit is considered to be the operation of a pit for the purpose of subsection (1). Idem

(3) The removal from the site of stockpiled aggregate or topsoil that is the property of the Crown and was excavated under an aggregate permit is considered to be the operation of a pit for the purpose of subsection (1). Idem

(4) Any person may apply to the Minister, on a form provided by the Minister, for an aggregate permit to operate a pit or quarry. Applications for aggregate permits

(5) A person who, except for this subsection, would apply for an aggregate permit shall apply for a licence if, When a licence is required instead of an aggregate permit

- (a) the site is in a part of Ontario designated under section 5;
- (b) the site is partly on land the surface rights of which are the property of the Crown and partly on land the surface rights of which are not the property of the Crown; and
- (c) the Minister directs the person in writing to apply for a licence. *New.*

Classes of
aggregate
permits

35.—(1) A commercial aggregate permit authorizes the excavation of aggregate and topsoil to be used for resale or commercial purposes or in conjunction with a commercial undertaking.

Idem

(2) A public authority aggregate permit authorizes a public authority to excavate aggregate and topsoil for use by the public authority but not for resale or commercial purposes.

Idem

(3) A public authority aggregate permit authorizes a person who has a contract with a public authority to excavate aggregate and topsoil for use by that person in a project of the public authority but not for resale or commercial purposes.

Idem

(4) A personal aggregate permit authorizes an individual or a group of individuals to excavate aggregate and topsoil for use by the individual or group of individuals but not for resale or commercial purposes. *New.*

Information
required

36.—(1) Every application for an aggregate permit must be accompanied by,

(a) a site plan;

(b) where applicable, information on any aquatic biological resources that may be affected by the operation of the pit or quarry and measures proposed to minimize impacts on and to restore aquatic biological habitat on the site; and

(c) such additional information in such form and manner as the Minister considers necessary.

Idem

(2) Until the information mentioned in subsection (1) is furnished to the Minister's satisfaction, further consideration of the application may be refused.

Idem

(3) The Minister may waive the requirement for a site plan for an application for a personal aggregate permit.

Site plans

(4) The site plan accompanying an application for an aggregate permit in respect of a pit or quarry that is entirely on dry land must show,

(a) the location of the site;

(b) existing conditions, including the shape, dimensions and area to be excavated, topography and land use on the site and within 150 metres of the site;

- (c) location, dimensions and use of any buildings or other structures existing or proposed to be erected on the site or existing within 150 metres of the site;
- (d) method and phasing of the operation;
- (e) estimated final elevations;
- (f) proposed progressive rehabilitation and final rehabilitation plans;
- (g) existing and proposed drainage and points of discharge to surface water;
- (h) location and size of existing and proposed stockpiles of overburden and soil and location and size of proposed aggregate stockpile areas;
- (i) location and type of fences;
- (j) all existing and proposed entrances to and exits from the site;
- (k) location of the excavation setback limits; and
- (l) the approximate scale.

(5) The site plan accompanying an application for an aggregate permit in respect of a pit or quarry located entirely on land covered by water must show, Idem

- (a) the location of the proposed operation and distance from the nearest shore and existing shoreline land uses that may be affected by the operation;
- (b) as nearly as possible the extent and nature of the aggregate deposit to be excavated;
- (c) the depth of the water covering the deposit; and
- (d) the proposed method of operation.

(6) The site plan accompanying an application for an aggregate permit in respect of a pit or quarry located partly on dry land and partly on land covered by water must show the information required in subsection (4) in respect of the dry land and the information required in subsection (5) in respect of the land covered by water. Idem

- Idem (7) Every site plan accompanying an application for an aggregate permit must be in a style and manner acceptable to the Minister and must be signed by the applicant.
- Waiver, etc.,
by Minister (8) The Minister may require additional information or may waive, vary or reduce the information required under subsection (4), (5) or (6).
- Plans
property of
the Crown (9) Every site plan submitted with an application under this section becomes the property of the Crown upon the aggregate permit applied for being issued. *New.*
- Issue of
aggregate
permits **37.**—(1) The Minister may issue an aggregate permit for a fixed period of not more than five years, subject to such conditions as are considered necessary.
- Idem (2) The Minister, on being satisfied that an applicant for an aggregate permit requires the use of aggregate in conjunction with the operation of a producing mine and that use will likely extend beyond five years, may issue the permit for a term exceeding five years.
- Permit fees (3) Every applicant for an aggregate permit shall, before the permit is issued, pay to the Treasurer a permit fee as prescribed.
- Limitation
R.S.O. 1980,
c. 268 (4) No aggregate permit shall be issued for sand and gravel where the sand and gravel has been included in a mining claim as a placer deposit under the *Mining Act* until the non-aggregate mineral has been removed from the placer deposit.
- Conditions (5) An aggregate permit issued in respect of a pit or quarry located entirely or partly on land covered by water that is not the result of excavation below the water table shall contain such conditions as are considered necessary to minimize adverse impacts on or to restore aquatic biological habitat on the site.
- Changes in
conditions (6) The Minister may at any time add a condition to an aggregate permit or rescind or vary any condition of such a permit.
- Amendment
of site plans (7) Subject to sections 43 and 44, the Minister may at any time require an aggregate permittee to amend the site plan.
- Idem (8) An aggregate permittee may amend the site plan at any time with the approval in writing of the Minister. *New.*
- Public
authority **38.** The Minister, if of the opinion that it is in the public interest, may authorize a public authority with a project that

requires aggregate or topsoil or any person who has a contract with a public authority for such a project to excavate and remove undisturbed aggregate or topsoil in the ground that is the property of the Crown from a site that is subject to an aggregate permit. *New.*

39.—(1) Any person who holds a commercial or public authority aggregate permit may, before the expiry of the permit, apply to the Minister for another aggregate permit for the same site to come into effect upon the expiry of the previous permit. *New.*

Renewal of permits

(2) If another aggregate permit is issued for the same site, the new permit may cover a smaller area than the previous permit covered and contain different conditions than did the previous permit and the Minister may require an amendment to the site plan that accompanied the previous permit. *New.*

Change in area, conditions and site plan

40. Every aggregate permittee shall carry on the operation in accordance with this Act, the regulations, the site plan, if any, and the conditions of the permit. *New.*

Duties of permittees

41.—(1) Upon application therefor accompanied by the prescribed transfer fee, the Minister may consent to the transfer of a commercial aggregate permit.

Transfer of permits

(2) A personal or public authority aggregate permit is not transferable. *New.*

Idem

42. The Minister may,

Revocation, refusal to issue or transfer

- (a) refuse to issue an aggregate permit under section 37 or 39;
- (b) refuse to consent to the transfer of an aggregate permit; or
- (c) revoke an aggregate permit,

if,

- (d) the Minister considers the issuance, transfer or continuation of the permit to be contrary to the public interest;
- (e) in the opinion of the Minister, a substantial amount of aggregate or topsoil has not been removed from the site under the permit during the previous twelve months; or

- (f) the permittee has contravened any provision of this Act, the regulations, a site plan or any of the conditions to which the permit is subject. *New.*

Notice to
applicant or
permittee

43.—(1) If the Minister,

- (a) refuses to issue an aggregate permit to excavate aggregate or topsoil that is not the property of the Crown;
- (b) revokes an aggregate permit;
- (c) refuses to issue another aggregate permit;
- (d) proposes to issue another aggregate permit for a smaller area or with different conditions or site plan from the previous permit;
- (e) proposes to add, rescind or vary a condition of an aggregate permit;
- (f) attaches a condition to an aggregate permit issued under subsection 69 (12) that adds, rescinds or varies a condition of the permit or licence it replaces; or
- (g) proposes to require the amendment of a site plan,

the Minister shall serve forthwith notice thereof including the reasons therefor upon the applicant or permittee. R.S.O. 1980, c. 268, s. 119 (1), *part, amended.*

Time of
taking effect

(2) Any action of the Minister under clause (1) (a), (b), (c) or (f) is effective as soon as the notice is served upon the applicant or permittee and, despite the fact that the applicant or permittee requires a hearing by the Commissioner, remains effective until the Minister takes action under subsection 44 (5).

No action
until 30 days
elapsed

(3) The Minister shall take no action proposed under clause (1) (d), (e), (f) or (g) until the thirty days referred to in subsection 44 (1) have elapsed.

Where no
hearing

(4) The Minister may carry out a proposal under clause (1) (d), (e), (f) or (g) if the proposal is not referred to the Commissioner. *New.*

Entitlement
to hearing

44.—(1) An applicant or aggregate permittee who is served with a notice mentioned in subsection 43 (1) is entitled to a hearing by the Commissioner if the applicant or permit-

tee, within thirty days after being served, serves the Minister with a notice that a hearing is required.

(2) The Minister, if served with a notice under subsection (1), shall, within thirty days after being served, refer the matter to the Commissioner for a hearing. Hearing

(3) The Commissioner shall hold a hearing on a matter referred under subsection (2) and, after the hearing, make a recommendation to the Minister. Recommendation by Commissioner

(4) The Commissioner shall specify the parties to the hearing. R.S.O. 1980, c. 268, s. 119 (2, 4), *amended*. Idem

(5) After considering the recommendation of the Commissioner, the Minister may take such action as the Minister considers appropriate and shall serve notice of the decision on the parties to the hearing. Decision by Minister

(6) The decision of the Minister is final. *New*. Decision final

45.—(1) The Minister may suspend an aggregate permit for any period of time not exceeding six months, Suspension of permit

(a) for any contravention of this Act, the regulations, the site plan or the conditions of the permit; or

(b) if, in the opinion of the Minister, the continuation of the operation under the permit will likely cause damage to property or is contrary to the public interest. R.S.O. 1980, c. 39, s. 4 (7), *part, amended*.

(2) The suspension shall be effective as soon as the required notice is served upon the permittee. *New*. Time of taking effect

(3) Notice of a suspension of an aggregate permit, including the reasons therefor, shall be served upon the permittee. R.S.O. 1980, c. 39, s. 4 (7), *part, amended*. Notice of suspension

(4) The notice of suspension shall inform the aggregate permittee of the period of the suspension, of the action the permittee must take or desist from taking before the suspension will be lifted, that the suspension will be lifted as soon as the permittee has complied with the notice to the satisfaction of the Minister, and that, if the permittee does not comply with the notice within the period of the suspension, the Minister may revoke the permit. Further particulars of notice

Revocation

(5) If a permittee whose aggregate permit has been suspended has not taken or desisted from taking the action as required within the period of the suspension, the Minister may revoke the aggregate permit, in which case sections 43 and 44 apply. *New.*

Royalties

46.—(1) The Minister shall determine the royalty per tonne that each aggregate permittee removing from the site aggregate or topsoil that is property of the Crown must pay, but in no case shall the royalty be less than the prescribed minimum royalty, and, in determining the royalty, the Minister shall have regard to the location, quantity, type and accessibility of the aggregate or topsoil and its intended use.

Returns and
payment

(2) Every aggregate permittee shall make a return, when required by the Minister, showing the quantity of material removed from the site and, at the same time, enclose the required royalty payment payable to the Treasurer.

Security or
deposit

(3) The Minister may require an aggregate permittee to give, in an amount determined by the Minister, security of the prescribed kind or a deposit for the payment of any royalty that is due or that may become due under subsection (1).

Recovery of
royalties in
default

(4) The amount of a default in the payment of a royalty under this section may be recovered by the Crown from any security given under subsection (3) or as a debt due to the Crown in any court of competent jurisdiction.

Exemption
from royalty
payment

(5) No royalty is payable by an aggregate permittee,

- (a) who is exempted from payment by the Minister; or
- (b) who belongs to a class of permittees exempted from payment by the regulations.

Licensee
removing
Crown
aggregate or
topsoil pays
royalties

(6) Subsections (1) to (5) apply to a licensee who removes from the site aggregate or topsoil that is the property of the Crown as if the references to "aggregate permittee" were references to "licensee". *New.*

PART VI

REHABILITATION

Application
of Part

47. This Part does not apply to a pit or quarry or part thereof that is covered by water that is not the result of excavation of aggregate below the water table. *New.*

48.—(1) Every licensee and every permittee shall perform progressive rehabilitation and final rehabilitation on the site in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit to the satisfaction of the Minister.

Duty to rehabilitate site

(2) The Minister, upon being satisfied that a licensee, a permittee or former permittee has not performed adequate progressive rehabilitation on the site, may order the licensee, permittee or former permittee, as the case may be, to perform within a specified period of time such progressive rehabilitation as the Minister considers necessary and the licensee, permittee or former permittee shall comply with the order. *New.*

Minister's order requiring progressive rehabilitation

49. The Minister may waive or reduce the rehabilitation requirements, in respect of excavation of aggregate that is the property of the Crown, if, in the opinion of the Minister, to do so is not contrary to the public interest. *New.*

Waiver

50.—(1) Every licensee shall pay to the Treasurer security for the rehabilitation of the site at the prescribed time and in the prescribed amount and manner. R.S.O. 1980, c. 378, s. 11 (1), *amended.*

Rehabilitation security payments by licensees

(2) Any security for the rehabilitation of the site not paid by a licensee or former licensee is a debt due to the Crown and may be recovered by the Crown in any court of competent jurisdiction. *New.*

Recovery of amount not paid

51.—(1) Every person who applies for a permit must, before the permit is issued, pay to the Treasurer security for the rehabilitation of the site in the prescribed amount and manner.

Rehabilitation security payments by permittees

(2) Despite subsection (1), the Minister may, in the case of an aggregate permit, waive the payment, in advance, of the security in which event security shall be paid at the prescribed time.

Waiver

(3) The Minister may waive any security required under this section if the Minister does not consider it to be necessary or in the public interest.

Idem

(4) Any security for the rehabilitation of a site not paid by a permittee or former permittee is a debt due to the Crown and may be recovered by the Crown in any court of competent jurisdiction. *New.*

Recovery of amount not paid

Rehabilitation security accounts

52.—(1) Sums paid by a licensee or permittee under section 50 or 51 shall be held in an account in that person's name and shall be paid out in accordance with the regulations.

Interest payable

(2) Sums paid by a licensee or permittee under section 50 or 51 earn interest at the prescribed rate.

Interest deemed security

(3) Interest earned under subsection (2) is part of the rehabilitation security. *New.*

Partial refunds

53. Every licensee or permittee who submits proof, satisfactory to the Minister, of progressive rehabilitation on the site in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit is entitled to a refund out of the rehabilitation security account in accordance with the regulations. *New.*

Refunds when rehabilitation fully performed

54. Every licensee, permittee, former licensee or former permittee who has submitted proof, satisfactory to the Minister, of final rehabilitation in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit is entitled to a refund of the total sum to that person's credit in the rehabilitation security account. *New.*

Entry upon site for rehabilitation

55.—(1) A licensee, permittee, former licensee or former permittee who does not, without this subsection, have the right to enter upon a site not rehabilitated in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit may enter upon the site and perform such rehabilitation as the Minister considers necessary.

Refunds

(2) Rehabilitation performed under subsection (1) is final rehabilitation for the purpose of section 54. *New.*

When rehabilitation not performed

56.—(1) The Minister or a person authorized in writing by the Minister may enter upon a site in respect of which a licence or permit was revoked or expired and not rehabilitated in accordance with this Act, the regulations, the site plan and the conditions of the licence or permit to the satisfaction of the Minister and may perform such rehabilitation as the Minister considers necessary.

Recovery of cost

(2) The cost of rehabilitation performed under subsection (1) is a debt due to the Crown by the former licensee or former permittee and shall be paid by the Treasurer out of the former licensee's or former permittee's rehabilitation security account. R.S.O. 1980, c. 378, s. 11, *amended.*

Disposition of surplus

(3) Any sum remaining to the credit of the former licensee or former permittee in that person's rehabilitation security

account after the cost of rehabilitation performed under subsection (1) has been paid out shall be paid by the Treasurer to that person.

(4) If a sum to the credit of a former licensee or former permittee in the rehabilitation security account is insufficient to defray the cost of rehabilitation, the amount of the deficiency is a debt due to the Crown by the former licensee or former permittee and is recoverable by the Crown in any court of competent jurisdiction. *New.*

Recovery of
deficiency

PART VII

OFFENCES AND PENALTIES

57.—(1) Every person who operates a pit or quarry except under the authority of a licence or permit is guilty of an offence. R.S.O. 1980, c. 378, s. 4 (1), *amended.*

Operation of
pit or quarry
without
licence or
permit

(2) Every person who contravenes or permits the contravention of the site plan or a condition of the licence or permit is guilty of an offence.

Contra-
vention of
licence,
permit or site
plan

(3) Every person who contravenes any provision of this Act or the regulations is guilty of an offence. R.S.O. 1980, c. 378, s. 18 (1), *part, amended.*

Contra-
vention of
Act or
regulations

(4) Every person who hinders or obstructs an inspector in the performance of the inspector's duties or furnishes the inspector with false information or refuses to furnish the inspector with information is guilty of an offence. R.S.O. 1980, c. 378, s. 13 (2), *amended.*

Obstruction
of inspectors

58.—(1) Every person who commits an offence under section 57 is liable on conviction to a fine of not less than \$500 and not more than \$30,000 for each day on which the offence occurs or continues. R.S.O. 1980, c. 378, s. 18 (1), *amended.*

Penalty

(2) The maximum fine provided under subsection (1) may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the convicted person as a result of the commission of the offence. *New.*

Penalty
increased by
monetary
benefit

59. In any prosecution under this Act, the court may, in addition to imposing a fine under section 58, make such order as the court considers proper to obtain compliance with this Act, the regulations, the site plan or any condition of a licence or permit. *New.*

Order for
compliance

PART VIII

TERRITORY WITHOUT MUNICIPAL ORGANIZATION

Notice of application for licence in area without municipal organization

60.—(1) The Minister, upon being satisfied that an application for a licence for a pit or quarry located in territory without municipal organization and the documents accompanying it comply with this Act and the regulations, shall serve the applicant with notice that the applicant must cause notice of the application in the prescribed form to be published in two successive issues of a newspaper having general circulation in the locality in which the site is located and to be given in signs placed in the prescribed manner on the site.

Notice of publication

(2) The applicant shall notify the Minister when the publication of the notice has been completed. *New.*

Notice of objection

(3) Any person may serve the Minister, within forty-five days after the second publication under subsection (1) or within such further period as the Minister may allow, a notice of objection to the issue of the licence applied for and the reasons therefor.

Idem

(4) Upon receipt of a notice under subsection (3), the Minister shall provide the applicant with a copy thereof.

Notice requiring hearing

(5) Any person serving a notice under subsection (3) may, in addition, serve the Minister within the period provided under subsection (3) a notice that the person requires a hearing of the matter before the Board.

Reference to Board for a hearing

(6) Upon receipt of a notice under subsection (5) that, in the opinion of the Minister, discloses an interest in the matter that is sufficiently substantial to warrant a hearing and is not frivolous or vexatious, the Minister shall refer the application and the objections to the Board for a hearing. R.S.O. 1980, c. 378, s. 5 (1, 3), *amended*.

Idem

(7) The Minister may, on his or her own motion, refer an application and objections, if any, to the Board for a hearing. R.S.O. 1980, c. 378, s. 5 (4), *amended*.

What Board may consider at one hearing
1983, c. 1

(8) The Board may consider an application referred to it under section 34 of the *Planning Act, 1983*, and an application referred to it under this section at the same hearing. *New.*

Publication of notice

61.—(1) The Minister shall, in addition to any notice that is required to be served, publish notice of a proposed action under subsection 13 (2), subsection 16 (1) or (2) or subsection 68 (1) or (2) in respect of a site located in territory without

municipal organization in two successive issues of a newspaper having general circulation in the locality in which the site is located.

(2) The Minister may dispense with publication of the notice under subsection (1) if the Minister does not consider the proposal to be a significant matter. Exception

(3) Any person may provide the Minister with comments at any time up to thirty days after the second publication under subsection (1) and the Minister may take no action until the thirty days have elapsed. Comments

(4) Any notice required to be given by the Minister to a municipality for the purpose of information only may, in respect of a site located in territory without municipal organization, be given to such persons and in such manner as the Minister, in his or her discretion, directs. *New.* Notice for information only

PART IX

MISCELLANEOUS

62.—(1) Every licensee or permittee shall keep, for a period of seven years, detailed records of the operation for which the licence or permit has been issued, including copies of all documents relating to sales and shipments. Record keeping

(2) Every licensee or permittee shall make available for inspection by any person authorized for the purpose of this Act all the records required to be kept under subsection (1). R.S.O. 1980, c. 268, s. 121, *amended.* Inspection of records

63.—(1) If it appears to the Minister that any person is not complying or does not intend to comply with this Act or the regulations or a site plan or a condition of a licence or permit, despite the imposition of any penalty for non-compliance, the Minister may apply to a judge of the High Court for an order directing the person to comply. Restraining orders

(2) Upon an application under subsection (1), the judge may make such order as he or she considers proper. Idem

(3) An appeal lies to the Divisional Court from an order made under subsection (2). R.S.O. 1980, c. 378, s. 15, *amended.* Appeal

64.—(1) Any notice required to be served under this Act or the regulations is sufficiently served if delivered personally or sent by registered mail addressed to the person upon whom Service of notices

service is to be made at the last address for service appearing on the records of the Ministry.

Idem

(2) Service made by registered mail shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that the person did not, acting in good faith, and for cause beyond that person's control, receive the notice until a later date. R.S.O. 1980, c. 378, s. 16, *amended*.

Joint effect

65. This Act and the regulations are in addition to and not in substitution for Regulation 694 of Revised Regulations of Ontario, 1980, made under the *Occupational Health and Safety Act* or any provisions substituted therefor at any time.

R.S.O. 1980,
c. 321

Act overrides
municipal by-
laws, etc.

66.—(1) In the event that this Act and the regulations and a municipal by-law, official plan or development agreement treat the same subject-matter in different ways, this Act and the regulations prevail and the by-law, official plan or development agreement is inoperative to the extent that it differs from this Act and the regulations. R.S.O. 1980, c. 378, s. 17 (2), *amended*.

Retroactive
effect

(2) Subsection (1) applies whether the by-law, official plan or development agreement comes into force before or after this Act.

Power to
pass by-laws
restricted
R.S.O. 1980,
c. 302

(3) Every municipal by-law passed under the *Municipal Act*, except a by-law passed under paragraph 137 of section 210, that purports to prohibit the carrying on or operating of a pit or quarry or wayside pit or quarry is inoperative to the extent that it differs from this Act and the regulations.

Idem

(4) Subsection (3) applies to by-laws passed before or after this Act comes into force. *New*.

Regulations

67. The Lieutenant Governor in Council may make regulations,

- (a) respecting the management of the aggregate resources of Ontario;
- (b) prescribing material as aggregate;
- (c) prescribing duties of inspectors;
- (d) prescribing or providing for the calculation of fees and providing for the payment thereof;

- (e) prescribing a rate per tonne of aggregate for the purpose of calculating fees;
- (f) prescribing the percentage of the total of the annual licence fees and wayside permit fees collected that shall be disbursed to municipalities, prescribing the amounts, manner and purposes of such disbursements and prescribing the municipalities to which such disbursements shall be made;
- (g) requiring and providing for the records and information that must be kept and returns that must be filed by municipalities to which fees are disbursed;
- (h) prescribing the percentage of the total of the annual licence fees and wayside permit fees collected that may be set apart and disbursed for the purposes mentioned in subsection 33 (2);
- (i) respecting the control and operation of pits and quarries;
- (j) prescribing the minimum royalty for aggregate that is the property of the Crown and providing for the payment thereof;
- (k) exempting a class or classes of aggregate permittees from the payment of royalties;
- (l) prescribing kinds of security for the purposes of subsection 46 (3);
- (m) governing the rehabilitation of pits and quarries;
- (n) respecting the form, terms and conditions and time of payment of rehabilitation security, prescribing a rate per tonne of aggregate for the purpose of calculating rehabilitation security, prescribing maximum and minimum amounts per hectare of rehabilitation security for aggregate operations, prescribing the rate of interest payable thereon and providing for refunds from rehabilitation security accounts and royalty accounts;
- (o) requiring and providing for the records and information that must be kept and returns that must be made by licensees and permittees;
- (p) prescribing forms for the purposes of this Act and providing for their use;

- (q) prescribing the size and content of signs required under subsections 11 (2) and 60 (1) and governing the placement thereof;
- (r) respecting any matter considered necessary or advisable to carry out the intent and purpose of this Act. R.S.O. 1980, c. 378, s. 19 (1), *amended*.

Relief from compliance

68.—(1) The Minister, if of the opinion that it is not contrary to the public interest, may, in writing, relieve any licensee or permittee from compliance in whole or in part with the regulations.

Idem

(2) The relief granted under subsection (1) is subject to such conditions as are set out in the instrument giving it. R.S.O. 1980, c. 378, s. 19 (2), *amended*.

Idem

(3) The Minister may at any time rescind or vary any relief granted under subsection (1) upon written notice thereof to the licensee or permittee.

Notice to municipality

(4) The Minister, if the matter appears to warrant it, shall serve notice of a proposed relief under subsection (1), including reasons therefor, upon the clerk of the local municipality in which the site is located and, where applicable, upon the clerk of the regional municipality or county, as the case may be, for their information and comment.

Delay in relief

(5) The Minister may not grant relief until the Minister is served with comments by the municipalities or thirty days after service of the notice by the Minister, whichever occurs first. *New*.

Pits and quarries under licence or permit under R.S.O. 1980, c. 378

69.—(1) Despite section 77, the *Pits and Quarries Control Act* and the regulations thereunder continue to apply to,

- (a) every pit or quarry for which an operator is licensed under that Act for six months after this Act comes into force except where the licence expires under subsection (2) or (3); and
- (b) every pit or quarry for which a wayside permit exists under that Act for the remaining term of the permit.

Application for a licence under this Act R.S.O. 1980, c. 378

(2) During the first three months after this Act comes into force an application for replacing a licence for the identical site under this Act accompanied by the prescribed fee may be made by a licensee under the *Pits and Quarries Control Act* in respect of that licensee's pit or quarry and, if an application is

not so made, the licence under the *Pits and Quarries Control Act* expires at the end of the three-month period. R.S.O. 1980, c. 378

(3) Within the six-month period mentioned in subsection (1), if the applicant has paid fees and deposited rehabilitation security as required under the *Pits and Quarries Control Act*, the Minister shall issue a licence under this Act in respect of every application under subsection (2) even if the requirements of section 8 have not been met and whether or not all relevant zoning by-laws are complied with. Licence to be issued

(4) As soon as a licence is issued under this Act for a pit or quarry to which this section applies, the licence under the *Pits and Quarries Control Act* expires and that Act and the regulations thereunder cease to apply, but the site plan under that Act continues in effect until superseded by a site plan under this Act. Idem
R.S.O. 1980, c. 378

(5) Ten copies of the site plan referred to in section 8 or such lesser number as the Minister indicates must be served upon the Minister within six months after the licensee has been served with a demand therefor by the Minister or within four years after this Act comes into force, whichever occurs first. When new site plan requirements to be met

(6) Clauses 7 (3) (a), (b) and (c) and sections 9, 10, 11, 12 and 60 do not apply to applications made under subsection (2) of this section. ss. 7 (3) (a-c), 9-12, 60, do not apply

(7) Despite section 77,

Permits and licences under
R.S.O. 1980, cc. 268, 39

(a) the *Mining Act* and the regulations thereunder continue to apply to every pit and quarry for which a permit exists under that Act; and

(b) the *Beach Protection Act* and the regulations thereunder continue to apply to every pit or quarry for which an operator is licensed under that Act,

for the remaining term of the permit or licence, as the case may be, or for twelve months after this Act comes into force, whichever occurs first.

(8) Every permit or licence issued under the *Pits and Quarries Control Act*, the *Mining Act* or the *Beach Protection Act* subsisting on the day that this Act comes into force shall be deemed to be a permit or licence, as the case may be, issued under this Act. Transition re
R.S.O. 1980, cc. 378, 268, 39

(9) Every licence issued under the *Pits and Quarries Con-* Licences ruled invalid by court
R.S.O. 1980, c. 378

trol Act by the Minister to reflect a change in operator and not revoked before the day this Act comes into force shall be deemed to be subsisting for the purpose of subsection (8) despite the decision of any court.

Expiry of
licences

(10) Every permit or licence referred to in subsection (7) that, on its terms, does not expire within twelve months after this Act comes into force expires with the twelfth month after this Act comes into force.

Application
where permit
or licence
under
R.S.O. 1980,
cc. 268, 39
to expire

(11) If a quarry permit under the *Mining Act* or a licence under the *Beach Protection Act* expires because of the application of subsection (10), the permittee or licensee may apply for a replacing aggregate permit, for the identical site, under this Act by an application accompanied by the prescribed fee submitted not later than ten months after this Act comes into force.

Permit to be
issued

(12) The Minister shall issue an aggregate permit in respect of every application under subsection (11) if the applicant has paid all fees, royalties and security required by this Act under which the permit or licence was issued.

Conditions

(13) Subject to sections 20 and 43, the Minister may attach such conditions as the Minister considers advisable to any licence issued under subsection (3) or any permit issued under subsection (12).

Site plan

(14) The site plan accompanying an application under subsection (12) may be a duplicate of the site plan that accompanied the original application unless the Minister directs otherwise.

Rehabili-
tation
security
R.S.O. 1980,
cc. 378, 268,
39

(15) All fees, royalties, security and interest on deposit or payable under the *Pits and Quarries Control Act*, the *Mining Act* or the *Beach Protection Act* in respect of a licence or aggregate permit replaced under this section shall be deemed to be on deposit or payable as provided under this Act.

Credit for
rehabilitation

(16) Any rehabilitation that has been carried out in respect of a pit or quarry under a permit or licence under an Act referred to in this section and for which the permittee or licensee has not received credit under that Act before this Act comes into force shall be deemed to be rehabilitation performed for the purpose of this Act. *New.*

Non-
application of
ss. 10,
11 (2-9), 60

70.—(1) Section 10, subsections 11 (2) to (9) and section 60 do not apply to an application for a licence in respect of a site for which a licence under the *Pits and Quarries Control Act* expired under subsection 69 (2) if the application is made

after the three-month period mentioned in subsection 69 (2) but within the two-year period after this Act comes into force.

(2) The Minister may waive the requirement for a report under section 9 for any application under subsection (1). Waiver of s. 9

(3) The Minister may issue a licence in respect of an application under subsection (1) whether or not all relevant zoning by-laws are complied with. *New.* Non-compliance with zoning by-laws

71.—(1) This Act and the regulations apply to every established pit and quarry in a part of Ontario designated under subsection 5 (2). Act applies to pits and quarries in newly designated areas

(2) The Minister may, in his or her absolute discretion, determine, in cases where doubt exists, whether a pit or quarry is an established pit or quarry. Determination by Minister in cases of doubt

(3) Despite subsection 57 (1), a person with an established pit or quarry in a part of Ontario designated under subsection 5 (2) may continue to operate the pit or quarry without a licence or permit until the six-month period next following the date of the designation expires. Right to operate for limited period without licence or permit

(4) Despite subsection 57 (1), a person who applies for a licence during the six-month period next following the day of the designation under subsection 5 (2), and, Right to operate for limited period without licence

(a) who is not required by the Minister to refer a matter to the Divisional Court under subsection 13 (6) may operate an established pit or quarry without a licence subsequent to such six-month period until the licence is either issued or refused or the twelve-month period next following the day of the designation expires, whichever occurs first; or

(b) who is required by the Minister to refer a matter to the Divisional Court under subsection 13 (6) may operate an established pit or quarry until the licence is either issued or refused.

(5) The Minister, if satisfied that the application under subsection (4) is in respect of an established pit or quarry and that the location of the land on which the pit or quarry is situated complies with all relevant zoning by-laws, shall issue a licence under this Act to the applicant even if the requirements of section 8 have not been met. Licence to be issued

When new
site plan
requirements
to be met

(6) Ten copies of the site plan referred to in section 8 or such lesser number as the Minister indicates must be served upon the Minister within six months after the licensee has been served with a demand therefor by the Minister or within four years after this Act comes into force, whichever occurs first.

ss. 7 (3)
(a-c), 9,
11 (2-9), 12,
60 do not
apply

(7) Despite subsection (1), clauses 7 (3) (a), (b) and (c), section 9, subsections 11 (2) to (9), sections 12 and 60 do not apply to applications made under subsection (4).

Non-
application of
ss. 11 (2-9),
60 and
waiver of
s. 9

(8) Despite subsection (1), subsections 11 (2) to (9) and section 60 do not apply to an application for an established pit or quarry made during the two-year period next following the day of the designation.

Waiver

(9) The Minister may waive the requirement for a report under section 9 for any application under subsection (8).

Person
deemed
licensee from
date of
designation

(10) For the purposes of this Act and the regulations, every person who has been issued a licence for an established pit or quarry in a part of Ontario that is designated under subsection 5 (2) shall be deemed to be a licensee from the date of the designation. *New.*

Application
under
R.S.O. 1980,
cc. 378, 268,
39 deemed
application
under this
Act

72.—(1) If an application for a licence or permit to operate a pit or quarry has been made under and complies with the *Pits and Quarries Control Act*, the *Mining Act* or the *Beach Protection Act* or a predecessor thereof but no licence or permit has been issued or refused by the Minister under one of those Acts before this Act comes into force, the application shall be deemed to be an application made under this Act.

Applicant
must comply
with this Act

(2) The applicant under an application referred to in subsection (1) shall comply under this Act with the requirements of,

- (a) section 7 within six months after this Act comes into force;
- (b) subsections 23 (3), (4) and (5) and subsection 24 (1) within six months after this Act comes into force; or
- (c) section 36 within ten months after this Act comes into force.

Minister may
refuse to
consider
application

(3) If, in the opinion of the Minister, the applicant fails to comply with the requirements of subsection (2), the Minister may refuse further consideration of the application.

(4) If an applicant complies with the requirements of subsection (2), a hearing pending before the Board or Commissioner or in respect of which the Board or Commissioner has not reported to the Minister respecting a matter referred to the Board or Commissioner under the *Pits and Quarries Control Act*, the *Mining Act* or the *Beach Protection Act*, as the case may be, shall be deemed to be a hearing for the purposes of this Act. *New.*

Hearing
before the
Board

R.S.O. 1980,
cc. 378, 268,
39

73.—(1) Subject to subsection (2), despite the fact that a licence or permit has been issued, no person shall operate a quarry nearer to the natural edge of the Niagara escarpment than 200 metres measured horizontally.

Quarrying
near Niagara
escarpment

(2) No person holding a licence for a quarry under the *Pits and Quarries Control Act* when this Act comes into force and who is issued a licence for the quarry under this Act shall operate the quarry nearer to the natural edge of the Niagara escarpment than ninety metres measured horizontally.

Idem

(3) For the purposes of subsection (1) or (2), the natural edge of the Niagara escarpment is the natural edge determined by the Minister. *New.*

Determi-
nation of
natural edge

74. For the purposes of section 27 and subsection 69 (3), if the location of a pit or quarry for which a licence or wayside permit has been issued contravenes a zoning by-law, the licence or permit prevails and the by-law does not apply to the site. *New.*

Licence or
permit
prevails

75. For the purposes of this Act, aggregate that is not removed from the site as aggregate but is used on the site,

Aggregate
deemed
removed

- (a) in the manufacture of cement, concrete blocks, concrete pipes, bricks, asphalt, concrete mix or any other product; or
- (b) in the construction or maintenance of a structure or road, other than a road constructed primarily for the operation of a pit or quarry,

shall be deemed to have been removed from the site. *New.*

76.—(1) Every quarry permit issued under Part VII of the *Mining Act* and every licence issued under the *Beach Protection Act* that is subsisting when this Act comes into force continues in force until its expiry date or for a further twelve months, whichever occurs first.

Permits and
licences
under
R.S.O. 1980,
cc. 268, 39

Idem

(2) For the purpose of section 34, the holder of a permit or licence referred to in subsection (1) shall be deemed to be an aggregate permittee. *New.*

Repeals

77. The *Pits and Quarries Control Act*, being chapter 378 of the Revised Statutes of Ontario, 1980, the *Pits and Quarries Control Amendment Act, 1988*, being chapter 55, the *Beach Protection Act*, being chapter 39 of the Revised Statutes of Ontario, 1980, and Part VII of the *Mining Act*, being chapter 268 of the Revised Statutes of Ontario, 1980, are repealed.

Commence-
ment

78. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

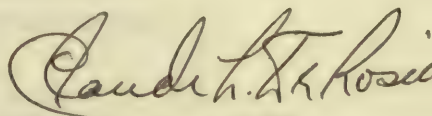
79. The short title of this Act is the *Aggregate Resources Act, 1989*.

Bill 175

(Chapter 15
Statutes of Ontario, 1990)

An Act to revise the Liquor Licence Act and to amend the law relating to Liquor

The Hon. G. Sorbara
Minister of Consumer and Commercial Relations



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 4th, 1990
<i>2nd Reading</i>	June 18th, 1990
<i>3rd Reading</i>	June 28th, 1990
<i>Royal Assent</i>	June 28th, 1990

Bill 175

1990

An Act to revise the Liquor Licence Act and to amend the law relating to Liquor

CONTENTS

Section

1. Definitions

BOARD

2. Liquor Licence Board of Ontario
3. Member or employee designated by chair
4. Bargaining unit and agent

LICENCES AND PERMITS

5. Licence or permit required
6. Licence to sell
7. Public notice of application
8. Member to consider application
9. Public meeting
10. Licence to deliver
11. Licence to represent manufacturer
12. Issuance of licence
13. Continuance pending renewal
14. Imposition of new conditions on licence
15. Revocation, suspension or refusal to renew
16. Change of ownership of business
17. Transfer of licence
18. Temporary transfer of licence
19. Special occasion permit
20. Disqualification of premises
21. Notice of proposal
22. Manufacturer's licence to sell to L.C.B.O.

HEARINGS

23. Hearing
24. Reviewing decision or order
25. Appeal to Divisional Court
26. Service

RESPONSIBLE USE

27. Unlawful purchase
28. Unlawful gift
29. Sale to intoxicated person

Section

30. Sale to person under nineteen
31. Unlawful possession or consumption
32. Conveying liquor in vehicle or boat
33. Unlawful consumption or supply of alcohol
34. Removing person from premises
35. By-law designating recreational area
36. Taking to hospital in lieu of charge
37. Detention in institution
38. Advertising
39. Civil liability
40. Exception for drugs and medicines
41. Exception for research and education
42. Intoxicating liquor

COMPLIANCE

43. Persons designated by chair
44. Inspections
45. Obstruction
46. Forfeiture of liquor
47. Seizure of liquor
48. Arrest without warrant
49. Confidentiality
50. Chair's certificate
51. Analyst's certificate or report

LOCAL OPTION

52. Prohibited areas
53. Local option to authorize sale
54. Local option to cease sale
55. Day of polling
56. Eligible voters
57. Application of *Municipal Elections Act*
58. Return to Board
59. Resubmitting questions

Section

60. Amalgamation does not affect
status

OFFENCES

61. Offences

REGULATIONS

62. Regulations

Section

MISCELLANEOUS

63. Transition

64. Repeals

65. *Human Rights Code, 1981*
amended

66. Commencement

67. Short title

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1. In this Act,

“alcohol” means a product of fermentation or distillation of grains, fruits or other agricultural products, and includes synthetic ethyl alcohol;

“beer” means any beverage containing alcohol in excess of the prescribed amount obtained by the fermentation of an infusion or decoction of barley, malt and hops or of any similar products in drinkable water;

“Board” means the Liquor Licence Board of Ontario;

“government store” means a government store established under the *Liquor Control Act*;

R.S.O. 1980,
c. 243

“licence” means a licence issued under this Act;

“liquor” means spirits, wine and beer or any combination thereof and includes any alcohol in a form appropriate for human consumption as a beverage, alone or in combination with any other matter;

“manufacturer” means a person who produces liquor for sale;

“municipality” means a city, town, village or township;

“Ontario wine” means,

- (a) wine produced from grapes, cherries, apples or other fruits grown in Ontario or the concentrated juice thereof and includes Ontario wine to which is added herbs, water, honey, sugar or the distillate of Ontario wine or cereal grains grown in Ontario,

(b) wine produced by the alcoholic fermentation of Ontario honey, with or without the addition of caramel, natural botanical flavours or the distillate of Ontario honey wine, or

(c) wine produced from a combination of,

(i) apples grown in Ontario or the concentrated juice thereof to which is added herbs, water, honey, sugar or the distillate of Ontario wine or cereal grains grown in Ontario, and

(ii) the concentrated juice of apples grown outside of Ontario,

in such proportion as is prescribed;

“permit” means a permit issued under this Act;

“prescribed” means prescribed by the regulations;

“regulations” means the regulations made under this Act;

“sell” means to supply for remuneration, directly or indirectly, in any manner by which the cost is recovered from the person supplied, alone or in combination with others, and “sale” has a corresponding meaning;

“spirits” means any beverage containing alcohol obtained by distillation;

“wine” means any beverage containing alcohol in excess of the prescribed amount obtained by the fermentation of the natural sugar contents of fruits, including grapes, apples and other agricultural products containing sugar, and including honey and milk.

BOARD

2.—(1) The Liquor Licence Board is continued as the Liquor Licence Board of Ontario.

Liquor
Licence
Board of
Ontario

(2) The Board shall consist of not more than nine members appointed by the Lieutenant Governor in Council.

Composition

(3) The Lieutenant Governor in Council may designate one member of the Board as chair and one or more members as vice-chairs.

Chair and
vice-chair

(4) The chair is the chief executive officer of the Board.

Idem

- Idem (5) If the chair is absent or is unable to act, a vice-chair designated by the chair shall have all the powers and duties of the chair.
- Term (6) The members of the Board shall be appointed to hold office for a term not exceeding five years and may be reappointed for further successive terms not exceeding five years each.
- Remuneration (7) The members of the Board shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council.
- Non-application of R.S.O. 1980, c. 95 (8) The Board is a corporation to which the *Corporations Act* does not apply.
- Duties (9) The Board shall perform such duties as are assigned to it under this and any other Act and shall administer and enforce this Act and the regulations.
- Staff (10) The Board may employ such persons as are considered necessary and may, subject to the approval of the Lieutenant Governor in Council, establish job categories, salary ranges and terms and conditions of employment.
- Finances (11) The revenues of the Board shall be paid to the Treasurer of Ontario and the money required for the expenditures of the Board shall be paid out of the money appropriated therefor by the Legislature.
- Member designated by chair **3.—**(1) A function referred to in this Act or the regulations as being performed by a member of the Board may be performed by one or more members designated by the chair of the Board.
- Employee designated by chair (2) A function referred to in this Act or the regulations as being performed by an employee of the Board may be performed by one or more employees designated by the chair of the Board.
- Bargaining unit and agent under R.S.O. 1980, c. 108 **4.** For the purposes of the *Crown Employees Collective Bargaining Act*, and subject to any further designation under that Act,
- (a) the persons employed in the work of the Board are designated as a unit of employees that is an appropriate bargaining unit for collective bargaining purposes; and

- (b) the Ontario Liquor Boards Employees' Union is designated as the employee organization that has representation rights in relation to the bargaining unit.

LICENCES AND PERMITS

5.—(1) No person shall keep for sale, offer for sale or sell liquor except under the authority of a licence or permit to sell liquor or under the authority of a manufacturer's licence.

Licence or
permit
required

(2) No person shall canvass for, receive or solicit orders for the sale of liquor unless the person is the holder of a licence or permit to sell liquor or unless the person is the holder of a licence to represent a manufacturer.

Soliciting
orders

(3) No person shall deliver liquor for a fee except under the authority of a licence to deliver liquor.

Delivery for
fee

(4) Subsections (1), (2) and (3) do not apply to the sale or delivery of liquor by or under the authority of the Liquor Control Board of Ontario under the *Liquor Control Act*.

Exception

R.S.O. 1980,
c. 243

6.—(1) A person may apply to the Board for a licence to sell liquor.

Licence to
sell

(2) Subject to subsection (4), an applicant is entitled to be issued a licence to sell liquor except if,

Requirements

(a) having regard to the applicant's financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of the applicant's business;

(b) the applicant is not a Canadian citizen or a person lawfully admitted to Canada for permanent residence and ordinarily resident in Canada;

(c) the applicant is a corporation and a majority of the members of the board of directors are not Canadian citizens or persons lawfully admitted to Canada for permanent residence and ordinarily resident in Canada;

(d) the past or present conduct of the persons referred to in subsection (3) affords reasonable grounds for belief that the applicant will not carry on business in accordance with the law and with integrity and honesty;

- (e) the applicant or an employee or agent of the applicant makes a false statement or provides false information in an application under this Act;
- (f) the applicant is carrying on activities that are, or will be, if the applicant is licensed, in contravention of this Act or the regulations;
- (g) the premises, accommodation, equipment and facilities in respect of which the licence is to be issued are not, or will not be, if the applicant is licensed, in compliance with this Act and the regulations; or
- (h) the licence is not in the public interest having regard to the needs and wishes of the residents of the municipality in which the premises are located.

Idem

(3) Clause (2) (d) applies to the following persons:

1. The applicant.
2. An officer or director of the applicant.
3. A person holding more than 10 per cent of the equity shares of the applicant or an officer or director of such person.
4. A person having a beneficial interest in the business of the applicant.
5. A person having responsibility for the management or operation of the business of the applicant.

Prohibition

(4) Except as permitted by the regulations, a licence to sell liquor shall not be issued,

- (a) to a person who is under agreement with any person to sell the liquor of any manufacturer;
- (b) to a manufacturer or to a person who is so associated or connected therewith or financially interested therein as to be likely to promote the sale of liquor of that manufacturer;
- (c) to a person who by reason of an agreement, arrangement or understanding with any person is likely to promote the sale of liquor of any manufacturer;

- (d) to a person for premises in which a manufacturer has an interest, whether freehold or leasehold, or by way of mortgage or charge or other encumbrance, or by way of mortgage, lien or charge upon any personal property therein and whether such interest is direct or indirect or contingent or by way of suretyship or guarantee; or
- (e) to a person in respect of a business in which a manufacturer has an interest by way of a franchise agreement.

(5) In this section, “equity share” means a share of a class of shares that carries a voting right either under all circumstances or under some circumstances that have occurred and are continuing. Definition

7.—(1) Subject to subsection (2), the Board shall give notice of an application for a licence to sell liquor to the residents of the municipality in which the premises are located by giving notice, Public notice of application

- (a) in the prescribed manner in a newspaper having general circulation in the municipality; and
- (b) in any other manner that is prescribed.

(2) The Board is not required to give notice under subsection (1) if the applicant for the licence is disentitled under clauses 6 (2) (a) to (g) or subsection 6 (4). Exception

(3) In a notice given under subsection (1), the Board shall request from the residents of the municipality written submissions as to whether the issuance of the licence is in the public interest having regard to the needs and wishes of the residents. Submissions

(4) Written submissions concerning an application shall be made in the prescribed manner and within the prescribed time. Idem

8.—(1) A member of the Board shall consider an application for a licence to sell liquor. Member to consider application

(2) If, after giving notice of an application under subsection 7 (1), the Board receives no written objections to the application from the residents of the municipality within the time for making submissions, the member may, No objections

(a) approve the application if the applicant is not disentitled under subsection 6 (2) or (4); or

(b) direct that a proposal to review the application be issued.

Conditions on consent

(3) A member who approves an application under clause (2) (a) may specify any conditions consented to by the applicant that are to be attached to the licence.

Objections

(4) If, after giving notice of an application under subsection 7 (1), the Board receives one or more written objections to the application from the residents of the municipality within the time for making submissions, the member may,

(a) call a public meeting; or

(b) direct that a proposal to review the application be issued.

No notice

(5) If no notice of an application is given under subsection 7 (1) because the applicant is disentitled under clauses 6 (2) (a) to (g) or subsection 6 (4), the member shall direct that a proposal to review the application be issued.

Public meeting

9.—(1) If a public meeting is called under clause 8 (4) (a), the Board shall give notice in the prescribed manner of a time and place for the meeting.

Member to conduct meeting

(2) A member of the Board shall conduct the public meeting.

Representations by residents

(3) The member shall receive representations from the residents of the municipality in which the premises are located as to whether the issuance of the licence is in the public interest having regard to the needs and wishes of the residents.

Idem

(4) The member shall consider the representations of the residents in determining whether to approve the application.

Member to consider application

(5) After the meeting has been held, the member shall consider the application and may,

(a) approve the application if the applicant is not disentitled under subsection 6 (2) or (4); or

(b) direct that a proposal to review the application be issued.

(6) A member who approves an application under clause (5) (a) may specify any conditions consented to by the applicant that are to be attached to the licence.

Conditions
on consent

10.—(1) A person may apply to the Board for a licence to deliver liquor.

Licence to
deliver

(2) Subject to subsection (5), an applicant for a licence to deliver liquor is entitled to the issuance of the licence unless the applicant is disentitled for any ground under clauses 6 (2) (a) to (g).

Requirements

(3) An application for a licence shall be considered by a member of the Board and the member may,

Member to
consider
application

(a) approve the application if the applicant is not disentitled under subsection (2); or

(b) direct that a proposal be issued to refuse to issue the licence.

(4) A member who approves an application for a licence under clause (3) (a) may specify any conditions consented to by the applicant that are to be attached to the licence.

Conditions
on consent

(5) A licence to deliver liquor shall not be issued,

Prohibition

(a) to a person who is under agreement with any person to sell or deliver the liquor of any manufacturer;

(b) to a manufacturer or to a person who is so associated or connected therewith or financially interested therein as to be likely to promote the sale or delivery of liquor of that manufacturer; or

(c) to a person who by reason of an agreement, arrangement or understanding with any person is likely to promote the sale or delivery of liquor of any manufacturer.

11.—(1) No person shall directly or indirectly act as or purport to be an agent or representative of a manufacturer in respect of the sale of liquor or canvass for, receive, take or solicit an order for the sale of liquor by a manufacturer unless the person is the holder of a licence to represent that manufacturer.

Licence to
represent
manufacturer

(2) A person may apply to the Board for a licence to represent a manufacturer.

Applying for
licence

Requirements (3) An applicant for a licence to represent a manufacturer is entitled to the issuance of the licence unless the applicant is disentitled for any ground under clause 6 (2) (d), (e) or (f).

Member or employee to consider application (4) An application for a licence shall be considered by a member or employee of the Board and the member or employee may,

(a) approve the application if the applicant is not disentitled under subsection (3); or

(b) direct that a proposal be issued to refuse to issue the licence.

Conditions on consent (5) A member or employee who approves an application for a licence under clause (4) (a) may specify any conditions consented to by the applicant that are to be attached to the licence.

Not transferable (6) A licence to represent a manufacturer is not transferable.

Issuance of licence **12.**—(1) The Board shall issue a licence to sell liquor, a licence to deliver liquor or a licence to represent a manufacturer to an applicant therefor whose application is approved by a member or employee of the Board or by the Board, who complies with this Act and the regulations and who pays the prescribed fee.

Conditions of licence (2) A licence is subject to such conditions as may be consented to by the applicant or licensee, imposed by the Board or prescribed.

Limit on further applications (3) If the issuance of a licence to sell liquor is refused on the ground under clause 6 (2) (h), no further application may be made for a licence for the same premises within two years after the date of the refusal.

Exception (4) If a member of the Board is satisfied that there has been a significant change in the circumstances that pertained at the time the application was refused, the Board may permit a re-application within the two-year period referred to in subsection (3).

Continuance pending renewal **13.** If, within the time prescribed therefor or, if no time is prescribed, before expiry of a licence, the licensee has applied for renewal of the licence and paid the prescribed fee, the licence shall be deemed to continue,

(a) until the renewal is granted; or

- (b) if the licensee is served with notice of a proposal to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, if a hearing is required, until the order has become final.

14.—(1) A member or employee of the Board may at any time review a licence and may,

Imposition of
new
conditions on
licence

- (a) attach to the licence any further conditions consented to by the licensee; or
- (b) direct that a proposal be issued to attach to the licence such further conditions as the member or employee considers proper to give effect to the purposes of this Act.

(2) A member or employee of the Board may, on the application of a licensee, remove a condition of a licence, other than a prescribed condition, if there is a change in circumstances.

Removal of
conditions

(3) A member or employee of the Board who, upon considering an application for removal of a condition, decides not to remove the condition shall direct that a proposal be issued to refuse to remove the condition.

Idem

15.—(1) A member or employee of the Board may direct that a proposal be issued to revoke or suspend a licence to sell liquor or refuse to renew such a licence for any ground under subsection 6 (2) or (4) that would disentitle the licensee to a licence if the licensee were an applicant or if the licensee has contravened this Act, the regulations or a condition of the licence.

Revocation,
suspension or
refusal to
renew licence
to sell liquor

(2) A member or employee of the Board may direct that a proposal be issued to revoke or suspend a licence to deliver liquor or refuse to renew such a licence for any ground under clauses 6 (2) (a) to (g) or subsection 10 (5) that would disentitle the licensee to a licence if the licensee were an applicant or if the licensee has contravened this Act, the regulations or a condition of the licence.

Idem, licence
to deliver
liquor

(3) A member or employee of the Board may direct that a proposal be issued to revoke or suspend a licence to represent a manufacturer or refuse to renew such a licence for any ground under clause 6 (2) (d), (e) or (f) that would disentitle the licensee to a licence if the licensee were an applicant or if the licensee has contravened this Act, the regulations or a condition of the licence.

Idem, licence
to represent
manufacturer

Idem,
manufac-
turer's
licence

(4) A member or employee of the Board may direct that a proposal be issued to revoke or suspend a manufacturer's licence or refuse to renew such a licence for any ground under clause 6 (2) (d), (e), (f) or (g) or if the licensee has contravened this Act, the regulations or a condition of the licence.

Interim
suspension of
licence

(5) If a proposal is issued to revoke or suspend a licence, the Board may by order suspend the licence prior to a hearing if two members of the Board consider it to be necessary in the public interest.

Idem

(6) An order to suspend a licence under subsection (5) takes effect immediately and, if a hearing is required, expires fifteen days after the date of the notice requiring the hearing unless the hearing is commenced, in which case the Board may extend the time of expiration until the hearing is concluded.

Voluntary
cancellation

(7) The Board may cancel a licence upon the request in writing of the licensee and the surrender of the licence by the licensee.

Change of
ownership of
business

16.—(1) Except as permitted by the regulations, if there is a prescribed change of ownership of a business carried on under a licence, no person shall keep for sale, offer for sale or sell liquor or deliver liquor for a fee under the authority of the licence unless the licence is transferred by the Board in accordance with this Act and the regulations.

Change of
ownership of
corporate
licensee

(2) Except as permitted by the regulations, if there is a prescribed change of ownership of a licensee that is a corporation, the licensee shall not keep for sale, offer for sale or sell liquor or deliver liquor for a fee under the authority of the licensee's licence unless the licence is transferred by the Board in accordance with this Act and the regulations.

Transfer of
licence

17.—(1) A person may apply to the Board for the transfer of a licence to sell liquor or a licence to deliver liquor.

Require-
ments,
licence to sell
liquor

(2) An applicant for the transfer of a licence to sell liquor is entitled to the transfer except if the applicant would not be entitled to the issuance of a licence for any ground under clauses 6 (2) (a) to (g) or subsection 6 (4).

Idem, licence
to deliver
liquor

(3) An applicant for the transfer of a licence to deliver liquor is entitled to the transfer except if the applicant would not be entitled to the issuance of a licence for any ground under clauses 6 (2) (a) to (g) or subsection 10 (5).

(4) An application for a transfer of a licence shall be considered by a member of the Board and the member may, Member to consider application

(a) approve the application if the applicant is not disentitled under subsection (2) or (3); or

(b) direct that a proposal be issued to refuse to transfer the licence.

(5) A member of the Board who approves an application under clause (4) (a) may specify any conditions consented to by the applicant that are to be attached to the licence. Conditions on consent

(6) The Board shall transfer a licence to an applicant whose application is approved by a member of the Board or by the Board, who complies with this Act and the regulations and who pays the prescribed fee. Transfer

(7) A licence transferred under this section is subject to such conditions as may be consented to by the applicant, imposed by the Board or prescribed. Conditions of licence

18.—(1) The Board, in accordance with the regulations, may transfer a licence to sell liquor for a period of not more than one year to permit the orderly disposition of the business carried on under the licence. Temporary transfer of licence

(2) Subsection 17 (2) does not apply to a temporary transfer under this section. Idem

19.—(1) A person may apply to the Board for a permit authorizing the holder thereof to sell or serve liquor on a prescribed special occasion. Special occasion permit

(2) An applicant for a permit for a special occasion is entitled to be issued the permit except if, Requirements

(a) the applicant would not be entitled to the issuance of a licence to sell liquor for any ground under clauses 6 (2) (d) to (g) or subsection 6 (4); or

(b) the premises for which the permit is applied are disqualified under section 20.

(3) In this section, “authorized person” means a person within a class of persons designated by the regulations. Definition

(4) An application for a permit shall be considered by a member of the Board or an authorized person and the member or authorized person may, Person to consider application

- (a) approve the application if the applicant is not disentitled under subsection (2); or
- (b) direct that a proposal be issued to refuse to issue the permit.

Conditions
on consent

(5) A member or authorized person who approves an application for a permit may specify any conditions consented to by the applicant that are to be attached to the permit.

Issuance of
permit

(6) The Board shall issue a permit to an applicant therefor whose application is approved by a member of the Board or an authorized person or by the Board, who complies with this Act and the regulations and who pays the prescribed fee.

Conditions of
permit

(7) A permit is subject to such conditions as may be consented to by the applicant or permit holder, imposed by the Board or prescribed.

Imposition of
new
conditions on
permit

(8) A member or employee of the Board may at any time review a permit and may,

- (a) attach to the permit any further conditions consented to by the permit holder; or
- (b) direct that a proposal be issued to attach to the permit such further conditions as the member or employee considers proper to give effect to the purposes of this Act.

Removal of
conditions

(9) A member or employee of the Board may, on the application of a permit holder, remove a condition of a permit, other than a prescribed condition, if there is a change in circumstances.

Idem

(10) A member or employee of the Board who, upon considering an application for removal of a condition, decides not to remove the condition shall direct that a proposal be issued to refuse to remove the condition.

Revocation
of permit

(11) A member or employee of the Board may direct that a proposal be issued to revoke a permit for any ground that would disentitle the holder to a permit if the holder were an applicant under subsection (2) or if the holder has contravened this Act, the regulations or a condition of the permit.

Immediate
revocation of
permit

(12) If a proposal is issued to revoke a permit, the Board may by order revoke the permit prior to a hearing if two members of the Board,

- (a) consider it to be necessary in the public interest;
- (b) are satisfied that false information has been furnished in an application for the permit;
- (c) are satisfied that the holder has contravened this Act, the regulations or a condition of the permit; or
- (d) determine that the premises for which the permit is issued are disqualified under section 20.

(13) An order to revoke a permit under subsection (12) takes effect immediately. Idem

20.—(1) A member or employee of the Board may direct that a proposal be issued to disqualify premises for purposes of issuing permits under section 19 on the grounds of a contravention of the law that has occurred at a previous event held on the premises. Disqualification of premises

(2) If a proposal is issued to disqualify premises, the Board may by order disqualify the premises prior to a hearing, if two members of the Board consider it to be necessary in the public interest. Interim disqualification of premises

(3) An order to disqualify premises under subsection (2) takes effect immediately and, if a hearing is required, expires fifteen days after the date of the notice requiring the hearing unless the hearing is commenced, in which case the Board may extend the period of disqualification until the hearing is concluded. Idem

21.—(1) If a member or employee of the Board directs that a proposal be issued with respect to any of the following matters, the Board shall serve notice of the proposal together with written reasons therefor on the applicant or licensee: Notice of proposal

1. Review an application for a licence to sell liquor.
2. Refuse to issue a licence to deliver liquor or a licence to represent a manufacturer.
3. Refuse to renew a licence.
4. Refuse to transfer a licence, other than a manufacturer's licence.
5. Suspend or revoke a licence.
6. Attach a condition to a licence.

7. Refuse to remove a condition of a licence.

Idem

(2) If a member or employee of the Board or an authorized person under section 19 directs that a proposal be issued with respect to any of the following matters, the Board shall serve notice of the proposal together with written reasons therefor on the applicant or permit holder:

1. Refusing to issue a permit.
2. Revoking a permit.
3. Attaching a condition to a permit.
4. Refusing to remove a condition of a permit.

Idem

(3) If a member or employee of the Board directs that a proposal be issued to disqualify premises under section 20, the Board shall serve notice of the proposal together with written reasons therefor on the owner of the premises.

Notice
requiring
hearing

(4) A notice of a proposal shall inform the applicant, licensee, permit holder or owner that the person is entitled to a hearing by the Board if the person mails or delivers to the Board, within fifteen days after the notice is served on the person, notice in writing requiring a hearing by the Board, and the person may so require such a hearing.

No hearing

(5) If a person to whom a notice is sent under this section does not require a hearing by the Board, the Board may,

- (a) in the case of a notice of a proposal to review an application for a licence to sell liquor, refuse to issue the licence; or
- (b) in any case other than that referred to in clause (a), carry out the proposal stated in the notice.

Manufactur-
er's
licence to sell
to L.C.B.O.
R.S.O. 1980,
c. 243

22.—(1) A manufacturer of spirits, beer or Ontario wine may apply to the Board for a licence to sell the spirits, beer or Ontario wine to the Liquor Control Board of Ontario under the *Liquor Control Act*.

Issuance

(2) The Board may issue a manufacturer's licence to an applicant under this section.

Conditions

(3) A manufacturer's licence is subject to such conditions as may be imposed by the Board or prescribed.

(4) The Board, in accordance with the regulations, may transfer a manufacturer's licence. Transfer

(5) The Board's decision to issue or transfer or to refuse to issue or transfer a manufacturer's licence is final. Decision final

(6) The Board shall notify the Minister of Consumer and Commercial Relations of every licence issued or transferred under this section. Notice to Minister

HEARINGS

23.—(1) If the Board is required to hold a hearing under subsection 21 (4), two members of the Board shall constitute a quorum of the Board for purposes of the hearing and decision. Hearing

(2) Despite subsection (1), the chair of the Board may direct that a particular matter be heard and decided by one member of the Board, except for a hearing to consider a proposal that is based on the ground under clause 6 (2) (h). Idem

(3) A member holding a hearing must not have taken part in any consideration of the subject-matter of that particular hearing. No prior consideration of matter

(4) Despite subsection (3), a member holding a hearing may examine prior to the hearing any material required under any Act to be filed with the Board by the parties to the proceeding. Idem

(5) The Board shall fix a time and place for the hearing of the matter and shall at least ten days before the day fixed cause notice of the hearing to be served upon the person who has required the hearing. Notice

(6) Despite subsection (5), the Board may, on the consent of all parties, commence a hearing earlier than ten days after notice of the hearing is served under subsection (5). Idem

(7) The Board may, in such manner as it considers advisable, give notice of a hearing to such other persons as it considers appropriate. Idem

(8) A person upon whom notice of a hearing is served under subsection (5) and any other person added by the Board are parties to the proceeding. Parties

Decision and
reasons

(9) The Board shall hold the hearing and give its decision and reasons therefor in writing to the parties to the proceeding.

Powers

(10) Following a hearing to consider a proposal to review an application for a licence to sell liquor, the Board may approve the application or may refuse to issue the licence.

Idem

(11) Following a hearing to consider any other proposal referred to in subsection 21 (1), (2) or (3), the Board may decline to carry out the proposal or may carry out the proposal, in whole or in part, and with any changes that the Board considers appropriate, and the Board may approve an application to which the proposal relates.

Conditions

(12) Following a hearing, the Board may attach to a licence or permit any condition that the Board considers proper to give effect to the purposes of this Act.

Stay

(13) An order of the Board takes effect immediately unless otherwise provided in the order but, if an appeal is made to the Divisional Court, the Court may grant a stay until the disposition of the appeal.

Oaths

(14) Every member of the Board has power to administer oaths and affirmations for the purpose of any of its proceedings.

Expiry of
term

(15) A member of the Board sitting for a hearing whose term of office expires before the hearing is completed remains a member of the Board for the purpose of completing the hearing in the same manner as if his or her term of office had not expired.

Reviewing
decision or
order

24.—(1) Upon the request of a person to whom a decision or order of the Board relates, the Board may review the decision or order and, if the board considers it appropriate, may vary or rescind the decision or order.

Consent

(2) If a decision or order being reviewed under this section was made following a hearing, the Board may vary or rescind it only upon the consent of all parties to the hearing.

Public
interest

(3) A request may not be made to review a decision or order refusing the issuance of a licence to sell liquor or revoking, suspending or refusing to renew such a licence, if the decision or order is based on the ground under clause 6 (2) (h).

25.—(1) A party to a proceeding before the Board under section 23 may appeal from the decision of the Board to the Divisional Court in accordance with the rules of court.

Appeal to
Divisional
Court

(2) An appeal under this section may be made on a question of law only.

Question of
law only

(3) The Board is a party to an appeal under this section.

Board a
party

(4) The Minister of Consumer and Commercial Relations is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

Right to be
heard

26.—(1) A notice, order or other document that is required or permitted under this Act to be given or delivered to or served on a person is sufficiently given, delivered or served if it is,

Service

(a) delivered personally;

(b) sent by first class mail addressed to the person at the person's last known address; or

(c) served in a prescribed manner.

(2) A notice, order or other document sent by first class mail in accordance with clause (1) (b) shall be deemed to be given, served or delivered on the fifth day after the day of mailing, unless the person to whom it is sent establishes that it was not received on or before that date because of absence, accident, illness or other cause beyond the person's control.

Idem

RESPONSIBLE USE

27. No person shall purchase liquor except from a government store or from a person authorized by licence or permit to sell liquor.

Unlawful
purchase

28. No manufacturer or employee, agent or licensed representative of a manufacturer shall give any liquor to any person, except as permitted by the regulations.

Unlawful gift

29. No person shall sell or supply liquor or permit liquor to be sold or supplied to any person who is or appears to be intoxicated.

Sale to
intoxicated
person

30.—(1) No person shall knowingly sell or supply liquor to a person under nineteen years of age.

Sale to
person under
nineteen

- Idem (2) No person shall sell or supply liquor to a person who appears to be under nineteen years of age.
- Permitting possession or consumption (3) No licensee or employee or agent of a licensee shall knowingly permit a person under nineteen years of age to have or consume liquor in the licensee's licensed premises.
- Idem (4) No licensee or employee or agent of a licensee shall permit a person who appears to be under nineteen years of age to have or consume liquor in the licensee's licensed premises.
- Exception to subss. (3) and (4) (5) Subsections (3) and (4) do not prohibit a licensee or employee or agent of a licensee from permitting a person eighteen years of age to be in possession of liquor during the course of the person's employment on the licensee's licensed premises.
- Vendor may rely on documentation (6) A person who sells or supplies liquor to another person or permits another person to have or consume liquor in licensed premises on the basis of documentation of a prescribed type is not in contravention of subsection (2) or (4) if there is no apparent reason to doubt the authenticity of the documentation or that it was issued to the person producing it.
- Court may determine apparent age (7) In a prosecution for a contravention of subsection (2) or (4), the court may determine, from the appearance of the person and from other relevant circumstances, whether a person to whom liquor was served or supplied or a person who was permitted to have or consume liquor appears to be under nineteen years of age.
- Possession or consumption (8) No person under nineteen years of age shall have, consume, attempt to purchase, purchase or otherwise obtain liquor.
- Exception to subs. (8) (9) Subsection (8) does not prohibit a person eighteen years of age from being in possession of liquor during the course of the person's employment on premises in which the sale of liquor is authorized.
- Entering premises (10) No person under nineteen years of age shall enter or remain on premises in which the sale of liquor is authorized if the person knows that a condition of the licence or permit for the premises prohibits the entry of persons under nineteen years of age.
- Exception to subs. (10) (11) Subsection (10) does not apply to a person eighteen years of age who is employed on premises in which the sale of

liquor is authorized while the person is on the premises during the course of his or her employment.

(12) No person shall present as evidence of his or her age any documentation other than documentation that was lawfully issued to him or her.

Improper
document-
ation

(13) This section does not apply,

Supply by
parent

(a) to the supplying of liquor to a person under nineteen years of age in a residence as defined in section 31 or in a private place as defined in the regulations by a parent of the person or a person having lawful custody of the person; or

(b) to the consumption of liquor by a person who is supplied liquor in a manner described in clause (a), if the liquor is consumed at the place where it is supplied.

31.—(1) In this section, “residence” means a place that is actually occupied and used as a dwelling, whether or not in common with other persons, including all premises used in conjunction with the place to which the general public is not invited or permitted access, and, if the place occupied and used as a dwelling is a tent, includes the land immediately adjacent to and used in conjunction with the tent.

Unlawful
possession or
consumption

(2) No person shall have or consume liquor in any place other than,

Unlawful
possession or
consumption

(a) a residence;

(b) premises in respect of which a licence or permit is issued; or

(c) a private place as defined in the regulations.

(3) Subsection (2) does not apply to the possession of liquor that is in a closed container.

Exception

(4) No person shall be in an intoxicated condition,

Intoxication

(a) in a place to which the general public is invited or permitted access; or

(b) in any part of a residence that is used in common by persons occupying more than one dwelling in the residence.

Arrest
without
warrant

(5) A police officer may arrest without warrant any person whom he or she finds contravening subsection (4) if, in the opinion of the police officer, to do so is necessary for the safety of any person.

Conveying
liquor in
vehicle
R.S.O. 1980,
c. 198

32.—(1) No person shall drive or have the care or control of a motor vehicle as defined in the *Highway Traffic Act* or a motorized snow vehicle, whether it is in motion or not, while there is contained in the vehicle any liquor, except under the authority of a licence or permit.

Exception

(2) Subsection (1) does not apply if the liquor in the vehicle,

(a) is in a container that is unopened and the seal unbroken; or

(b) is packed in baggage that is fastened closed or is not otherwise readily available to any person in the vehicle.

Conveying
liquor in
boat

(3) No person shall operate or have the care or control of a boat that is underway while there is contained in the boat any liquor, except under the authority of a licence or permit.

Exception

(4) Subsection (3) does not apply if the liquor in the boat,

(a) is in a container that is unopened and the seal unbroken; or

(b) is stored in a closed compartment.

Search of
vehicle or
boat

(5) A police officer who has reasonable grounds to believe that liquor is being unlawfully kept in a vehicle or boat may at any time, without a warrant, enter and search the vehicle or boat and search any person found in it.

Definition

(6) In this section, “boat” includes any ship or boat or any other description of vessel used or designed to be used in the navigation of water.

Unlawful
consumption
or supply of
alcohol

33. No person shall,

(a) drink alcohol in a form that is not a liquor; or

(b) supply alcohol in a form that is not a liquor to another person, if the person supplying the alcohol knows or ought to know that the other person intends it to be used as a drink.

34.—(1) The holder of a licence or permit issued in respect of premises shall ensure that a person does not remain on the premises if the holder has reasonable grounds to believe that the person,

Removing
person from
premises

- (a) is unlawfully on the premises;
- (b) is on the premises for an unlawful purpose; or
- (c) is contravening the law on the premises.

(2) The holder of a licence or permit may request a person referred to in subsection (1) to leave the premises immediately and if the request is not forthwith complied with may remove the person or cause the person to be removed by the use of no more force than is necessary.

Idem

(3) If there are reasonable grounds to believe that a disturbance or breach of the peace sufficient to constitute a threat to the public safety is being caused on premises for which a licence or permit is issued, a police officer may require that all persons vacate the premises.

Order to
vacate
premises

(4) The holder of the licence or permit for premises that are required to be vacated under subsection (3) shall take all reasonable steps to ensure that the premises are vacated.

Idem

(5) A licensee or employee of a licensee who has reason to believe that the presence of a person on the licensee's licensed premises is undesirable may,

Right to
refuse entry

- (a) request the person to leave; or
- (b) forbid the person to enter the licensed premises.

(6) No person shall,

Not to
remain after
request to
leave

- (a) remain on licensed premises after he or she is requested to leave by the licensee or an employee of the licensee; or
- (b) re-enter the licensed premises on the same day he or she is requested to leave.

35.—(1) The council of a municipality may by by-law designate a recreational area within the municipality that is owned or controlled by the municipality as a place where the possession of liquor is prohibited.

By-law
designating
recreational
area

Non-application
of subs. (1)

(2) A designation under subsection (1) does not prevent the Board from issuing any licence or permit under this Act.

Unlawful
possession

(3) No person shall have liquor in a place designated under subsection (1).

Exception to
subs. (3)

(4) Subsection (3) does not apply to a person in possession of liquor under the authority of a licence or permit or in possession of liquor purchased on a premises in respect of which a licence or permit is issued.

Definition

(5) In this section, "municipality" includes a regional, metropolitan or district municipality and the County of Oxford.

Taking to
hospital in
lieu of
charge

36.—(1) A police officer who finds a person apparently in contravention of subsection 31 (4) may take the person into custody and, in lieu of laying an information in respect of the contravention, may escort the person to a hospital designated by the regulations.

Protection
from liability

(2) No action or other proceeding for damages shall be instituted against any physician or any hospital or officer or employee of a hospital on the grounds only that the person examines or treats without consent a person who is brought to the hospital under subsection (1).

Detention in
institution

37.—(1) If it appears that a person in contravention of subsection 31 (4) may benefit therefrom, the court making the conviction may order the person to be detained for treatment for a period of ninety days or such lesser period as the court thinks advisable in an institution designated by the regulations.

Idem

(2) If, at any time during a person's period of detention ordered under subsection (1), the superintendent of the institution is of the opinion that further detention in the institution will not benefit the person, the superintendent may release the person.

Advertising

38.—(1) No person shall advertise liquor except in accordance with the regulations.

Order of
cessation

(2) If two members of the Board are of the opinion that an advertisement contravenes this Act or the regulations, the Board may order the cessation of the use of the advertisement.

(3) The Board shall serve notice of an order under subsection (2), together with reasons therefor, on the person to whom the order is directed. Notice of order

(4) A notice of an order shall inform the person to whom the order is directed that the person is entitled to a hearing by the Board if the person mails or delivers to the Board, within fifteen days after the notice is served on the person, notice in writing requiring a hearing by the Board, and the person may so require such a hearing. Notice requiring hearing

(5) Unless otherwise provided in the order, an order under subsection (2) takes effect immediately. Commencement of order

(6) If a hearing is required, an order under subsection (2) expires fifteen days after the date of the notice requiring the hearing unless the hearing is commenced, in which case the Board may extend the time of expiration until the hearing is concluded. Expiry of order

(7) If the Board is required to hold a hearing under subsection (4), the provisions of section 23 apply with necessary modifications to the hearing. Application of s. 23

(8) Following a hearing to consider an order under subsection (2), the Board may confirm, vary or rescind the order. Powers

39. The following rules apply if a person or an agent or employee of a person sells liquor to or for a person whose condition is such that the consumption of liquor would apparently intoxicate the person or increase the person's intoxication so that he or she would be in danger of causing injury to himself or herself or injury or damage to another person or the property of another person: Civil liability

1. If the person to or for whom the liquor is sold commits suicide or meets death by accident while so intoxicated, an action under Part V of the *Family Law Act, 1986* lies against the person who or whose employee or agent sold the liquor. 1986, c. 4
2. If the person to or for whom the liquor is sold causes injury or damage to another person or the property of another person while so intoxicated, the other person is entitled to recover an amount as compensation for the injury or damage from the person who or whose employee or agent sold the liquor.

40.—(1) This Act does not prevent, Exception for drugs and medicines

- R.S.O. 1980,
c. 196
- (a) the sale of a drug dispensed as a medicine by a person authorized to do so under the *Health Disciplines Act*;
- (b) the sale of a drug compounded, dispensed or supplied in and by a hospital or a health or custodial institution approved or licensed under any general or special Act under the authority of a prescriber as defined in Part VI of the *Health Disciplines Act* for a person under health care provided by the hospital or institution;
- R.S.C. 1985,
c. F-27
- (c) the sale of a medicine registered under the *Food and Drugs Act* (Canada), except a sale that contravenes clause 33 (b); or
- (d) the sale of a drug to a person authorized under the *Health Disciplines Act* to dispense, prescribe or administer drugs.

Idem

(2) This Act does not prevent the purchase of a drug or medicine pursuant to a sale described in subsection (1).

Exception for
research and
education

41. This Act does not prevent the possession, service or consumption of liquor for research or educational purposes as approved by the Board in accordance with the regulations.

Intoxicating
liquor
R.S.C. 1985,
c. 1-3

42. Liquor shall be deemed to be an intoxicating liquor for purposes of the *Importation of Intoxicating Liquors Act* (Canada).

COMPLIANCE

Persons
designated by
chair

43.—(1) The chair of the Board may designate persons employed by the Board as persons who may carry out inspections for the purpose of determining whether there is compliance with this Act and the regulations.

Certificate of
designation

(2) A person designated under subsection (1) who is exercising a power under this Act shall, on request, produce his or her certificate of designation.

Inspections

44.—(1) For the purpose of ensuring compliance with this Act and the regulations, a person designated under subsection 43 (1) may,

- (a) enter any place at any reasonable time;
- (b) request the production for inspection of documents or things that may be relevant to the inspection;

- (c) inspect and, upon giving a receipt therefor, remove, for the purpose of making copies or extracts, documents or things relevant to the inspection;
- (d) inquire into negotiations, transactions, loans or borrowings of a licensee or permit holder and into assets owned, held in trust, acquired or disposed of by a licensee or permit holder that are relevant to an inspection;
- (e) conduct such tests as are reasonably necessary; and
- (f) remove materials or substances for examination or test purposes subject to the licensee, permit holder or other occupant of the premises being notified thereof.

(2) Subsection (1) does not apply to confer a power of entry to a room actually used as a dwelling without the consent of the occupier.

Entry to dwellings

(3) A justice of the peace may issue a warrant authorizing the person named in the warrant,

Warrant

- (a) to do anything set out in clause (1) (a), (c), (e) or (f);
- (b) to search for and seize any document or thing relevant to the inspection; or
- (c) to enter and search a room actually used as a dwelling.

(4) A warrant may be issued under subsection (3) if the justice of the peace is satisfied on information under oath that,

Requirements for warrant to issue

- (a) in the case of a warrant to be issued under clause (3) (a), a person designated under subsection 43 (1) has been prevented from doing anything permitted under clause (1) (a), (c), (e) or (f) or there are reasonable grounds to believe that such a person may be prevented from doing any of those things;
- (b) in the case of a warrant to be issued under clause (3) (b), it is necessary to search for and seize a document or thing that there are reasonable grounds to believe will afford evidence relevant to a contravention of this Act or the regulations; or

- (c) in the case of a warrant to be issued under clause (3) (c), it is necessary that a room actually used as a dwelling be entered for the purposes of carrying out an inspection or there is, in such a room, a document or thing that there are reasonable grounds to believe is relevant to an inspection under this Act.

Execution of
warrant

(5) A warrant issued under this section shall specify the hours and days during which it may be executed.

Expiry

(6) Unless renewed, a warrant under this section expires not later than thirty days after the date on which it is made.

Notice not
required

(7) A warrant under this section may be issued or renewed before or after expiry upon application without notice.

Renewal of
warrant

(8) A warrant under this section may be renewed for any reason for which it may be issued.

Experts

(9) A person carrying out an inspection under this Act is entitled to call upon such experts as are necessary to assist the person in carrying out the inspection.

Assistance

(10) A person doing anything under the authority of a warrant issued under this section is authorized to call on such police officers to assist and to use such force as is necessary in the execution of the warrant.

Copies

(11) A person carrying out an inspection under this Act who takes material in order to copy it shall make the copy with reasonable dispatch and shall promptly return the material taken.

Admissibility
of copies

(12) Copies of, or extracts from, documents and things removed under this section and certified as being true copies of, or extracts from, the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the documents or things of which they are copies or extracts.

Obstruction

45.—(1) No person shall obstruct a person carrying out an inspection under this Act or withhold, destroy, conceal or refuse to provide any relevant information or thing required for the purpose of the inspection.

Facilitating
inspection

(2) It is a condition of each licence and permit issued under this Act that the licensee or permit holder facilitate an inspection relevant to the licence or permit.

46. Liquor kept for sale or offered for sale in contravention of subsection 5 (1) and liquor purchased in contravention of section 27 is forfeited to the Crown.

Forfeiture of liquor

47.—(1) If liquor is found by a police officer under circumstances where the liquor constitutes evidence necessary to prove a contravention of this Act, or if an offence appears to have been committed under this Act and a police officer, on reasonable grounds, in view of the offence apparently committed and the presence of liquor, believes that a further offence is likely to be committed, the police officer may seize and take away the liquor and the packages in which it is kept.

Seizure of liquor

(2) A provincial offences court may, upon the application of any person made within thirty days of a seizure under subsection (1), order that the things seized be restored forthwith to the applicant if the court is satisfied that,

Order of restoration

- (a) the applicant is entitled to possession of the things seized; and
- (b) the things seized are not required as evidence in any proceeding.

(3) If the court is satisfied that an applicant under subsection (2) is entitled to possession of the things seized but is not satisfied as to the matter mentioned in clause (2) (b), it shall order that the things seized be restored to the applicant,

Idem

- (a) upon the expiration of three months from the date of the seizure, if no proceeding in respect of an offence has been commenced; or
- (b) upon the final conclusion of any such proceeding.

(4) If no application has been made for the return of a thing seized under subsection (1) or an application has been made but upon the hearing of the application no order of restoration has been made, the thing seized is forfeited to the Crown.

Forfeiture

(5) If a person is convicted of an offence under this Act, any thing seized under subsection (1) by means of which the offence was committed is forfeited to the Crown.

Idem

48. If a police officer finds a person apparently in contravention of this Act and the person refuses to give his or her name and address or there are reasonable grounds to believe that the name or address given is false, the police officer may arrest the person without warrant.

Arrest without warrant

Confiden-
tiality

49.—(1) Every person engaged in the administration of this Act shall preserve confidentiality in respect of all matters that come to his or her knowledge in the course of his or her duties and shall not communicate any such matter to any other person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceeding under this Act;
- (b) to his or her counsel; or
- (c) with the consent of the person to whom the matter relates.

Testimony in
civil
proceeding

(2) No person engaged in the administration of this Act shall be required to give testimony in any civil proceeding with regard to information obtained by the person in the course of the person's duties except in a proceeding under this Act.

Chair's
certificate

50. A statement as to any of the following matters purporting to be certified by the chair of the Board is admissible in evidence in any proceeding without proof of the office or signature of the chair and is proof, in the absence of evidence to the contrary, of the information set out in the statement:

- 1. The issuance or non-issuance of a licence or permit.
- 2. The filing or non-filing of any document or material required or permitted to be filed with the Board.
- 3. Any matter in addition to those referred to in paragraphs 1 and 2 that pertains to licences or permits or filing or non-filing.
- 4. The time when the facts upon which a proceeding is based first came to the knowledge of the Board.

Analyst's
certificate or
report

51. A certificate or report purporting to be signed by a federal or provincial analyst as to the composition of any liquor or any other substance is admissible in any proceeding under this Act as evidence of the information set out in the certificate or report and of the authority of the person giving it or making it, without proof of the appointment or signature of the person.

LOCAL OPTION

52.—(1) Subject to section 53 and the regulations, no licence to sell liquor may be issued for premises in a municipality or part thereof in which the sale of liquor under a licence was prohibited under the law as it existed immediately before the date this Act comes into force. Prohibited areas

(2) Subject to section 53 and the regulations, no government store may be established in a municipality or part thereof in which the sale of liquor in a government store was prohibited under the law as it existed immediately before the date this Act comes into force. Idem

(3) Despite subsection (2), government stores may be established in a municipality or part thereof in which it is lawful to issue licences to sell liquor. Exception

(4) Despite subsections (1) and (2), Idem

(a) a government store established before the 1st day of January, 1990 shall be deemed to have been lawfully established; and

(b) a licence to sell liquor issued before the 1st day of January, 1990 shall be deemed to have been lawfully issued.

(5) Subject to section 53 and the regulations, in a municipality or part thereof in which, under the law as it existed immediately before the date this Act comes into force, the sale of beer and wine only was permitted in licensed premises, a licence to sell liquor shall be deemed to contain a condition that beer and wine only may be sold in the licensed premises. Sale of beer and wine only

53.—(1) The council of a municipality may submit to a vote one or more of the prescribed questions respecting the authorization of the sale of liquor in the municipality. Local option to authorize sale

(2) The council of a municipality shall submit to a vote such prescribed questions respecting the authorization of the sale of liquor in the municipality as are requested by a petition signed by at least 25 per cent of the persons appearing on the list of electors, as revised, prepared for the previous municipal election. Idem

(3) Government stores may be established in a municipality in which 60 per cent of the electors voting on a question vote in favour of the sale of liquor in government stores. Establishing stores

Issuing
licences

(4) Licences to sell liquor may be issued for premises in a municipality in which 60 per cent of the electors voting on a question vote in favour of the sale of liquor in licensed premises.

Local option
to cease sale

54.—(1) The council of a municipality in which a government store is established or liquor is authorized to be sold under a licence may submit to a vote one or more of the prescribed questions respecting the prohibition of the sale of liquor in the municipality.

Idem

(2) The council of a municipality shall submit to a vote such prescribed questions respecting the prohibition of the sale of liquor in the municipality as are requested by a petition signed by at least 25 per cent of the persons appearing on the list of electors, as revised, prepared for the previous municipal election.

Closing
stores

(3) If 60 per cent of the electors voting on a question vote in favour of prohibiting the sale of liquor in government stores, all government stores established in the municipality shall be closed as of the 31st day of March in the following year.

Revoking
licences

(4) If 60 per cent of the electors voting on a question vote in favour of prohibiting the sale of liquor in licensed premises, all licences to sell liquor issued for premises in the municipality shall be deemed to be revoked as of the 31st day of March in the following year.

No right to
a hearing

(5) Sections 15 and 21 do not apply where a licence is deemed to be revoked under subsection (4).

Day of
polling

R.S.O. 1980,
c. 308

55.—(1) Subject to subsection (2), the day fixed for taking a vote on any question under section 53 or 54 shall be the polling day of the next regular election under the *Municipal Elections Act*, unless the council of the municipality, with the approval of the Board, fixes some other day and so notifies the clerk of the municipality.

Idem

(2) A poll shall not be held on any question until after sixty days from,

- (a) the filing of the petition requiring the question to be submitted; or
- (b) the date the council approves the submission of the question, if the council submits the question without a petition.

56. The persons eligible to vote on a question under section 53 or 54 are the persons who would be eligible to vote at an election held under the *Municipal Elections Act* on the day fixed for taking the vote on the question.

Eligible
voters

R.S.O. 1980,
c. 308

57. The provisions of the *Municipal Elections Act* apply to the taking of a vote under this Act.

Application
of
R.S.O. 1980,
c. 308

58.—(1) The returning officer shall make a return to the Board showing the number of votes polled for the affirmative and negative on each question submitted.

Return to
Board

(2) Upon receiving the return, the Board shall give notice of the return in *The Ontario Gazette*, showing the total number of votes polled in the municipality for the affirmative and negative on each question.

Idem

59. If a question under section 53 or 54 is submitted for a vote in a municipality or part thereof, no further vote may be held in the municipality or part on any question under section 53 or 54 until after thirty-five months from the date of the vote on the question.

Resubmitting
questions

60.—(1) The status under this Act of a municipality that is amalgamated with another municipality that has a different status,

Amalga-
mation does
not affect
status

(a) is not affected by the amalgamation; and

(b) may be changed only by a vote under this Act in the municipality amalgamated.

(2) The status under this Act of a municipality or part of a municipality that is annexed to another municipality that has a different status,

Annexation
does not
affect status

(a) is not affected by the annexation; and

(b) may be changed only by a vote under this Act in the municipality or part annexed.

(3) In a municipality amalgamated or municipality or part annexed to which subsection (1) or (2) applies, the persons qualified to sign a petition under section 53 or 54 are the persons whose names appear on the list of electors, as revised, prepared for the previous municipal election held in the municipality amalgamated or municipality or part annexed, as the case may be.

Who may
sign petition

Who may
vote

(4) In a municipality amalgamated or municipality or part annexed to which subsection (1) or (2) applies, the persons eligible to vote on a question under section 53 or 54 are the persons who would be eligible to vote at an election held under the *Municipal Elections Act* in the municipality amalgamated or municipality or part annexed, as the case may be.

R.S.O. 1980,
c. 308

OFFENCES

Offences

61.—(1) A person is guilty of an offence if the person,

- (a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act;
- (b) knowingly fails to comply with an order under subsection 38 (2); or
- (c) contravenes any provision of this Act or the regulations.

Derivative

(2) A director or officer of a corporation who caused, authorized, permitted or participated in an offence under this Act by the corporation is guilty of an offence.

Penalties

(3) An individual who is convicted of an offence under this Act is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than one year or both.

Idem

(4) A corporation that is convicted of an offence under this Act is liable to a fine of not more than \$100,000.

Additional
penalty

(5) In addition to any other penalty or action under this Act, the licence of a licensee who contravenes subsection 30 (1) or (2) shall be suspended for a period of not less than seven days.

Minimum
fine

(6) If a licensee contravenes subsection 30 (1), (2), (3) or (4), the fine imposed under this section shall be not less than \$500.

Idem

(7) If a person who is not a licensee contravenes subsection 30 (1), (2), (3) or (4), the fine imposed under this section shall be not less than \$100.

Limitation

(8) Subject to subsection (9), no proceeding under this section shall be commenced more than two years after the offence was committed.

(9) No proceeding under clause (1) (a) and no proceeding under subsection (2) that relates to a matter referred to in clause (1) (a) shall be commenced more than one year after the facts upon which the proceeding is based first came to the knowledge of the Board. Idem

REGULATIONS

62.—(1) The Lieutenant Governor in Council may make regulations, Regulations

1. prescribing anything that is referred to in this Act as being prescribed;
2. governing the issuance, renewal, transfer and expiry of licences;
3. governing the issuance and expiry of permits;
4. prescribing conditions that attach to licences and permits;
5. prescribing the special occasions for which permits may be issued;
6. prescribing fees for the purposes of this Act and the regulations, including fees payable in respect of late applications and late payment of fees;
7. requiring the payment of fees;
8. exempting any person, product or premises from any provision of this Act or the regulations;
9. requiring licensees and permit holders to provide the Board with such information and returns respecting the sale of liquor and the premises, methods and practices connected therewith as is prescribed and requiring any information provided to be verified by oath;
10. controlling the advertising of liquor or its availability for sale and requiring that advertisements be subject to the approval of the Board;
11. prescribing standards for licensed premises and premises used by permit holders for the sale and service of liquor;

12. prescribing or prohibiting methods and practices in connection with the serving of liquor;
13. prohibiting licensees and permit holders from permitting any person to engage in prescribed activities on their premises;
14. governing the sale and service of liquor by a holder of a licence to sell liquor in a place other than licensed premises;
15. prescribing classes of premises on which a person under the age of nineteen years may not enter;
16. prescribing rules for proceedings before the Board;
17. governing the issuance of documentation for proof of age;
18. prescribing hours of sale of liquor;
19. authorizing the Board to extend the hours of sale of liquor during events of municipal, provincial, national or international significance;
20. prohibiting manufacturers and employees, agents and licensed representatives of manufacturers from offering or giving inducements or engaging in prescribed practices with respect to the sale or promotion of liquor;
21. prescribing the circumstances in which a manufacturer or employee, agent or licensed representative of a manufacturer may give liquor as a gift;
22. prescribing the circumstances in which a manufacturer may obtain a licence to sell liquor despite subsection 6 (4);
23. regulating and controlling the possession and delivery of liquor sold under a licence or permit;
24. authorizing the Board to approve training courses for the service or delivery of liquor;
25. authorizing the Board to approve a temporary physical extension of licensed premises;

26. authorizing the Board to exempt any person from the requirement to provide information in respect of an application for a licence or permit;
27. governing the approval by the Board of the possession, service or consumption of liquor for research or educational purposes;
28. prescribing the circumstances in which, following a prescribed change of ownership in respect of a licence, liquor may be kept for sale, offered for sale or sold or delivered for a fee under the authority of the licence despite subsection 16 (1) or (2);
29. designating classes of persons for the purpose of section 19;
30. defining "private place" for purposes of sections 30 and 31;
31. designating hospitals for purposes of section 36;
32. designating institutions for purposes of section 37, governing the transfer and admission of persons to and detention of persons in such institutions and providing for the management of such institutions;
33. prescribing licences that may be issued in a municipality despite section 52;
34. prohibiting or regulating and controlling the possession of liquor in provincial parks, in a park managed or controlled by The Niagara Parks Commission, The St. Lawrence Parks Commission, The St. Clair Parkway Commission or on lands owned or controlled by a conservation authority established or continued under the *Conservation Authorities Act*.

R.S.O. 1980,
c. 85

(2) A regulation may be general or particular in its application.

Scope of
regulations

(3) Any provision of a regulation may be subject to such conditions, qualifications or requirements as are specified in the regulation.

Conditions,
qualifications,
requirements

MISCELLANEOUS

Transition,
licence

63.—(1) A licence under a predecessor to this Act continues in force until it expires or is earlier revoked or suspended.

Idem, permit

(2) A permit under a predecessor to this Act continues in force until it expires or is earlier revoked.

Idem,
registration

(3) A registration as an agent or representative of a manufacturer under a predecessor to this Act continues in force until it expires or is earlier revoked or suspended.

Appeal to
C.R.A.T.

(4) A decision of the Board under section 12 of the *Liquor Licence Act*, being chapter 244 of the Revised Statutes of Ontario, 1980, that is issued before the date this Act comes into force may be appealed to The Commercial Registration Appeal Tribunal in accordance with section 14 of that Act.

Repeals

64. The following are repealed:

1. The *Liquor Licence Act*, being chapter 244 of the Revised Statutes of Ontario, 1980.
2. The *Liquor Licence Amendment Act, 1981*, being chapter 1.
3. Item 7 of the Schedule to the *Revised Statutes Amendment Act, 1981*, being chapter 66.
4. The *Liquor Licence Amendment Act, 1984*, being chapter 4.
5. The *Liquor Licence Amendment Act, 1986*, being chapter 60.

1981, c. 53

65. Section 19 of the *Human Rights Code, 1981*, as amended by the Statutes of Ontario, 1986, chapter 64, section 18, is further amended by adding the following subsection:

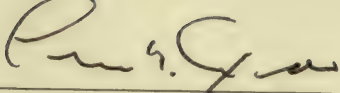
Minimum
drinking age

(2) The right under section 1 to equal treatment with respect to services, goods and facilities without discrimination because of age is not infringed by the provisions of the *Liquor Licence Act, 1990* and the regulations under it relating to providing for and enforcing a minimum drinking age of nineteen years.

1990, c. 15

66. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment

67. The short title of this Act is the *Liquor Licence Act*, Short title
1990.

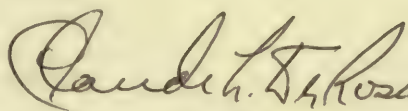


Bill 177

(Chapter 16
Statutes of Ontario, 1990)

An Act respecting the Amalgamation of certain Municipalities in the County of Simcoe

The Hon. J. Sweeney
Minister of Municipal Affairs



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 6th, 1990
<i>2nd Reading</i>	June 19th, 1990
<i>3rd Reading</i>	June 26th, 1990
<i>Royal Assent</i>	June 28th, 1990

Bill 177

1990

An Act respecting the Amalgamation of certain Municipalities in the County of Simcoe

CONTENTS

Section

PART I

TOWN MUNICIPALITIES

1. Definitions
2. Amalgamations
3. Composition of town council
4. Joint proposal
5. O.M.B order
6. By-laws, resolutions of former municipalities
7. Transfer of assets and liabilities
8. Transfer of taxes, charges and rates
9. Special collector's roll
10. Committees of adjustment dissolved
11. Dissolution of committees, boards under 1982, c. 7
12. Employees

PART II

COUNTY COUNCIL

13. Application
14. Representation on County Council
15. Vacancies
16. Voting on committees

PART III

PUBLIC UTILITY COMMISSIONS

17. Dissolution
18. Composition of commission
19. Term
20. Delegate of Mayor
21. Transfer of assets, liabilities
22. By-laws, resolutions continued
23. Distribution of power to continue
24. Additional areas
25. Arbitrator

Section

PART IV

POLICE SERVICES

26. Dissolution
27. Board of commissioners of police
28. Transfer of assets and liabilities
29. Continuation of by-laws, resolutions
30. Agreement respecting police services
31. Where no agreement

PART V

PUBLIC LIBRARIES

32. Transfer of assets, liabilities

PART VI

FINANCES

33. Definitions
34. Prescribed factors
35. Notification by Minister
36. Interim levy
37. Deeming provision in respect of R.S.O. 1980, c. 129
38. Reassessment
39. County-wide assessment
40. Rates, subsequent years
41. Grants or loans
42. Definitions

PART VII

MISCELLANEOUS

43. Committee of referees
44. Contributions under R.S.O. 1980, c. 421
45. R.S.O. 1980, c. 421, s. 58 does not apply
46. Limitation on disposal of real property
47. Conservation authorities

Section

Section

PART VIII

53. Transition, police services

TRANSITIONAL PROVISIONS

PART IX

48. Definition

CONSEQUENTIAL
AMENDMENTS AND
COMMENCEMENT49. Transition, composition of
council

50. Transition, Township of Innisfil

51. Transition, County Council

55. R.S.O. 1980, c. 497

52. Transition, public utility
commission

56. Commencement

57. Short title

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Definitions

1.—(1) In this Act,

“Amalgamated Town” means The Corporation of the Town of the Amalgamated Municipalities of Alliston, Beeton, Tecumseth and Tottenham;

“County” means The Corporation of the County of Simcoe;

“County Council” means the council of the County;

“former municipality” means The Corporation of the Town of Alliston, The Corporation of the Town of Bradford, The Corporation of the Township of Innisfil, The Corporation of the Township of Tecumseth, The Corporation of the Township of West Gwillimbury, The Corporation of the Village of Beeton, The Corporation of the Village of Cookstown or The Corporation of the Village of Tottenham as they existed before the 1st day of January, 1991;

“Minister” means the Minister of Municipal Affairs;

“Municipal Board” means the Ontario Municipal Board;

“prescribed” means prescribed by the regulations;

“qualified elector” means a qualified elector under the *Municipal Elections Act*;

R.S.O. 1980,
c. 308

“town municipality” means The Corporation of the Town of Innisfil, The Corporation of the Town of Bradford West Gwillimbury or The Corporation of the Town of the Amalgamated Municipalities of Alliston, Beeton, Tecumseth and Tottenham created by the amalgamations under section 2.

(2) A reference in this Act to the Town of Innisfil, the Town of Bradford West Gwillimbury or the Amalgamated Town is a reference to the geographic area comprising those municipalities or a reference to the municipal corporation bearing that name, as the context requires. Idem

PART I

TOWN MUNICIPALITIES

2.—(1) On the 1st day of January, 1991,

Amalgamations

(a) the Township of Innisfil, the Village of Cookstown and those portions of the Township of West Gwillimbury and the Township of Tecumseth described in Schedule A are amalgamated as a town municipality under the name of The Corporation of the Town of Innisfil;

(b) the Town of Bradford, the portion of the Township of West Gwillimbury described in Schedule B and the portion of the Township of Tecumseth described in Schedule C are amalgamated as a town municipality under the name of The Corporation of the Town of Bradford West Gwillimbury; and

(c) the Town of Alliston, the Village of Beeton, the Village of Tottenham and the portion of the Township of Tecumseth described in Schedule D are amalgamated as a town municipality under the name of The Corporation of the Town of the Amalgamated Municipalities of Alliston, Beeton, Tecumseth and Tottenham.

(2) The Town of Innisfil shall be deemed to be a township for all purposes related to the Police Village of Thornton. Deemed township

(3) Upon the application of The Corporation of the Township of Essa, the Township of Innisfil or the Town of Innisfil, the Municipal Board may by order on such terms as it considers expedient, dissolve the Police Village of Thornton. Application to O.M.B.

(4) Section 25 of the *Municipal Act* applies with necessary modifications to an application and a dissolution under subsection (3). Application of R.S.O. 1980, c. 302, s. 25

(5) The Town of Innisfil may continue any application by the Township of Innisfil under subsection (3). Continuation of application

R.S.O. 1980,
c. 347, ss. 94
and 95 do
not apply

(6) Sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders of the Municipal Board under subsection (3).

Change of
name

(7) During 1992 the Minister may by order alter the name of the Amalgamated Town.

Composition
of town
council
R.S.O. 1980,
c. 302

3.—(1) Despite section 32 of the *Municipal Act*, commencing the 1st day of December, 1991, the council of each town municipality shall be composed of a mayor and a county councillor who shall be elected by general vote and seven additional members who shall be elected by wards.

One vote

(2) Each member of a council of a town municipality has one vote.

No board of
control

(3) A town municipality shall not have a board of control.

Joint
proposal

4.—(1) A joint proposal shall be submitted on behalf of each future town municipality to the Minister, no later than the 1st day of October, 1990, to divide each town municipality into wards and the proposal shall contain the number of wards, the boundaries of each ward and the number of members of council to be elected from each ward in that town municipality.

Idem

(2) The joint proposal shall be submitted,

(a) on behalf of the future Town of Innisfil, by the councils of the Township of Innisfil and the Village of Cookstown;

(b) on behalf of the future Town of Bradford West Gwillimbury, by the councils of the Town of Bradford and the Township of West Gwillimbury; and

(c) on behalf of the future Amalgamated Town, by the councils of the Town of Alliston, the Village of Beeton, the Township of Tecumseth and the Village of Tottenham.

Order of
Minister

(3) After the expiration of the time for the submission of proposals under subsection (1), the Minister shall by order establish for each town municipality,

(a) the number of wards;

(b) the boundaries of the wards; and

- (c) the number of members of council, up to a maximum of two members, to be elected from each ward.

(4) An order under subsection (3) may provide for a different number of members to be elected from different wards within the same town municipality. Idem

(5) An order under subsection (3) shall come into effect on the 1st day of December, 1991 but the regular election held in 1991 shall be conducted as if the order was in effect. Effective date of order

5.—(1) Upon the application of a town municipality under subsection 13 (2) of the *Municipal Act*, or upon the petition of electors under subsection 13 (3) of that Act, the Municipal Board may by order, O.M.B. order
R.S.O. 1980,
c. 302

(a) divide or redivide the town municipality into wards and designate the name or number each ward shall bear;

(b) alter the boundaries of any or all of the wards in the town municipality; and

(c) determine the number of members of council, up to a maximum of two members, to be elected from each ward.

(2) An order made under subsection (1) shall come into effect on the 1st day of December in 1994 or on the 1st day of December in any subsequent year in which regular elections under the *Municipal Elections Act* occur but the regular elections held in that year shall be conducted as if the order was in effect. Date order effective

R.S.O. 1980,
c. 308

(3) An order under subsection (1) shall not alter the total number of members who represent the town municipality on the County Council or the number of votes assigned to the members under this Act. Limitation

(4) An order under subsection (1) may provide for a different number of members to be elected from different wards within the same town municipality. Variation between wards

(5) Despite subsection (1), the mayor and the county councillor of the town municipality shall continue to be elected by a general vote of the electors of the town municipality and shall be members of the County Council, and the mayor shall be the head of council of the town municipality. Election of mayor, county councillor

Where
inquiry by
Minister

(6) Where the Minister is inquiring into the structure, organization and methods of operation of a town municipality, the Minister may give notice to the Municipal Board of the inquiry and request that any application or petition made under subsection (1) be deferred until the inquiry has been completed.

Idem

(7) If notice is given under subsection (6), all proceedings in the application or petition are stayed until the Minister gives notice to the Municipal Board that they may be continued.

By-laws,
resolutions of
former
municipalities

6.—(1) Every by-law and resolution of a former municipality pertaining to an area included in a town municipality shall be deemed to be a by-law or resolution of the town municipality of which that area now forms a part and shall remain in force in that area until the earlier of,

(a) the date it is amended or repealed by the council of the town municipality; and

(b) the 31st day of December, 1994.

By-laws,
official plans
under
1983, c. 1

(2) Despite subsection (1), any by-law of a former municipality passed under section 34 of the *Planning Act, 1983*, or a predecessor of that section, and any official plan of a former municipality approved under the *Planning Act, 1983*, or a predecessor of that Act, pertaining to an area in a town municipality shall be deemed to be a by-law or official plan of the town municipality of which that area now forms a part and shall remain in force in that area until amended or repealed.

By-laws that
require
approval

(3) If a former municipality has commenced procedures to enact a by-law under any Act or to adopt an official plan or amendment thereto under the *Planning Act, 1983*, and that by-law, official plan or amendment applies to an area located in a town municipality and is not in force on the 1st day of January, 1991, the council of that town municipality may continue the procedures to enact the by-law or adopt the official plan or amendment to the extent that it applies to the area of that town municipality.

Subss. (1)
and (2) apply

(4) Subsections (1) and (2) apply with necessary modifications to the by-law, official plan or amendments thereto.

By-laws,
resolutions
not affected

(5) Nothing in this section repeals or authorizes the amendment or repeal of,

- (a) by-laws or resolutions of the former municipalities passed under section 45, 58 or 61 of the *Drainage Act* or a predecessor of those sections; and

R.S.O. 1980,
c. 126

- (b) by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the councils of the former municipalities.

(6) Despite section 74 of the *Drainage Act*, and any by-law of the former municipalities, on and after the 1st day of January, 1991, 40.733 per cent of the costs of operating, maintaining and repairing the drainage works known locally as the Holland Marsh Drainage Scheme shall be assessed against the lands and roads in the Town of Bradford West Gwillimbury benefiting from the drainage works as follows:

Drainage
works

1. 34.393 per cent shall be assessed against the lands.
2. 3.440 per cent shall be assessed against the roads of the Town.
3. 2.1 per cent shall be assessed against the roads of the County.
4. 0.800 per cent shall be assessed against provincial highways.

(7) Subsection (6) shall remain in force until amended or repealed in the same manner as such assessment and apportionment of costs may be amended or repealed under the *Drainage Act*.

Idem

7. Except as otherwise provided in this Act, the assets and liabilities of a former municipality and its local boards pertaining to the area included in a particular town municipality become assets and liabilities of that town municipality or a local board thereof without compensation, and the town municipality and its local boards stand in the place of the former municipality and its local boards.

Transfer of
assets and
liabilities

8. Except as otherwise provided in this Act, all taxes, charges or rates levied by a former municipality or its local boards under any general or special Act that are due and unpaid on the 31st day of December, 1990, pertaining to the lands included in a particular town municipality, shall, on the 1st day of January, 1991, be due and payable to the town municipality or a local board thereof and may be collected and recovered as if the taxes, charges or rates had been imposed by the town municipality or the local board thereof.

Transfer of
taxes,
charges and
rates

Special
collector's
roll

9.—(1) The clerk of the Town of Bradford West Gwillimbury shall, as soon as practicable after the 1st day of January, 1991, prepare and furnish to the clerk of the Town of Innisfil a special collector's roll showing all arrears of taxes, charges or rates assessed against that portion of the Township of West Gwillimbury being amalgamated with the Town of Innisfil up to and including the 31st day of December, 1990, and the persons assessed therefor.

Payment

(2) On or before the 1st day of April, 1991, the Town of Innisfil shall pay to the Town of Bradford West Gwillimbury an amount equal to the arrears of taxes, charges and rates contained on the special collector's roll under subsection (1).

Special
collector's
roll

(3) The clerk of the Amalgamated Town shall, as soon as practicable after the 1st day of January, 1991, prepare and furnish to the clerk of the Town of Innisfil a special collector's roll showing all arrears of taxes, charges or rates assessed against that portion of the Township of Tecumseth being amalgamated with the Town of Innisfil up to and including the 31st day of December, 1990, and the persons assessed therefor.

Payment

(4) On or before the 1st day of April, 1991, the Town of Innisfil shall pay to the Amalgamated Town an amount equal to the arrears of taxes, charges and rates contained on the special collector's roll under subsection (3).

Special
collector's
roll

(5) The clerk of the Amalgamated Town shall, as soon as practicable after the 1st day of January, 1991, prepare and furnish to the clerk of the Town of Bradford West Gwillimbury a special collector's roll showing all arrears of taxes, charges or rates assessed against that portion of the Township of Tecumseth being amalgamated with the Town of Bradford West Gwillimbury up to and including the 31st day of December, 1990, and the persons assessed therefor.

Payment

(6) On or before the 1st day of April, 1991, the Town of Bradford West Gwillimbury shall pay to the Amalgamated Town an amount equal to the arrears of taxes, charges and rates contained on the special collector's roll under subsection (5).

Committees
of adjustment
dissolved

10.—(1) Subject to subsection (5), on the 1st day of January, 1991, all committees of adjustment of the former municipalities are dissolved.

Establish-
ment of
committees
of adjustment
1983, c. 1

(2) Each town municipality shall establish a committee of adjustment under section 43 of the *Planning Act, 1983* and shall delegate its authority under subsection 53 (2) of the

Planning Act, 1983 to the committee and, for this purpose, the County shall be deemed to have received the approval of the Minister and to have delegated to each town municipality the authority under subsection 53 (1) of the *Planning Act, 1983* for the giving of consents.

(3) Nothing in subsection (2) prevents the delegation, withdrawal of delegation or redelegation of the authority to give consents.

Delegation
power
unaffected

(4) All applications to a committee of adjustment dissolved under subsection (1) shall be deemed to be applications to and shall be continued by the committee of adjustment of the town municipality in which the lands that are the subject of the application are located.

Applications
continued

(5) The committees of adjustment dissolved under subsection (1) and the terms of office of the members of the committees shall continue to the 31st day of January, 1991 for the purpose of making a decision on any application for which a hearing is completed before the 1st day of January, 1991.

Continuing
matters

11.—(1) The council of each town municipality shall be deemed to be a recreation committee under the *Ministry of Tourism and Recreation Act, 1982*, a committee of management of a community recreation centre under the *Community Recreation Centres Act* and a board of park management under the *Public Parks Act* and all such committees and boards of the former municipalities are dissolved on the 1st day of January, 1991.

Dissolution
of
committees,
boards under
1982, c. 7,
R.S.O. 1980,
cc. 80, 417

(2) Every by-law and resolution of the boards and committees dissolved under subsection (1) pertaining to an area included in a particular town municipality shall be deemed to be a by-law and resolution of the town municipality of which that area now forms a part, and shall remain in force in that area until the earlier of,

Idem

(a) the date it is amended or repealed by the town municipality; and

(b) the 31st day of December, 1994.

(3) Nothing in this section repeals or authorizes the amendment or repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the boards and committees dissolved under subsection (1).

Certain
by-laws,
resolutions
continue

Employees

12.—(1) Every person who is employed by the Township of Innisfil or a local board thereof or by the Village of Cookstown or a local board thereof on the 1st day of July, 1990 and who continues to be so employed until the 31st day of December, 1990 becomes on the 1st day of January, 1991, an employee of the Town of Innisfil or a local board thereof.

Idem

(2) Every person who is employed by the Town of Bradford or a local board thereof or by the Township of West Gwillimbury or a local board thereof on the 1st day of July, 1990 and who continues to be so employed until the 31st day of December, 1990, becomes on the 1st day of January, 1991, an employee of the Town of Bradford West Gwillimbury or a local board thereof.

Idem

(3) Every person who was employed by the Town of Alliston or a local board thereof, by the Village of Beeton or a local board thereof, by the Township of Tecumseth or a local board thereof or by the Village of Tottenham or a local board thereof on the 1st day of July, 1990 and who continues to be so employed until the 31st day of December, 1990, becomes on the 1st day of January, 1991, an employee of the Amalgamated Town or a local board thereof.

Wages

(4) Any person who becomes an employee of a town municipality or a local board thereof under subsection (1), (2) or (3) shall receive a wage or salary of not less than the amount that that person was receiving on the 31st day December, 1990.

Order
respecting
employees

(5) The Minister may by order define employee for the purposes of this section and provide for the security of employment, the protection of benefits, including seniority and pensions, and early retirement options for employees affected by this Act.

PART II

COUNTY COUNCIL

Application
1988, c. Pr36
R.S.O. 1980,
c. 302

13. This Part applies despite the *County of Simcoe Act, 1988* and sections 27, 28 and 29 of the *Municipal Act*.

Represent-
ation on
County
Council

14.—(1) After the 30th day of November, 1991, each town municipality shall be represented on County Council by its mayor and county councillor.

Voting

(2) The members of the County Council under subsection (1) shall have a total of fifteen votes of which each mayor

shall have three votes and each county councillor shall have two votes.

15. Section 39a of the *Municipal Act* applies with necessary modifications to members of County Council under this Part. Vacancies
R.S.O. 1980,
c. 302

16. The County Council may by by-law provide that a member who in council has one or more additional votes by virtue of this Part shall as a member of any committee have the same number of additional votes. Voting on
committees

PART III

PUBLIC UTILITY COMMISSIONS

17.—(1) All public utility commissions of the former municipalities established under any Act and all committees of council of the former municipalities responsible for public utilities are dissolved on the 1st day of January, 1991. Dissolution

(2) On the 1st day of January, 1991, Commissions
established

(a) a hydro-electric power commission is hereby established for each of the Town of Innisfil and the Amalgamated Town; and

(b) a combined hydro-electric power and water commission is hereby established for the Town of Bradford West Gwillimbury.

(3) Each commission established under subsection (2) shall be deemed to be a commission established under Part III of the *Public Utilities Act* and a municipal commission within the meaning of the *Power Corporation Act*. Deemed
commission
under
R.S.O. 1980,
cc. 423, 384

18.—(1) Despite section 41 of the *Public Utilities Act*, the members of the commission established under this Part shall, after the 30th day of November, 1991, be determined in accordance with this section. Composition
of
commission
R.S.O. 1980,
c. 423

(2) The commission of the Town of Innisfil shall be composed of the mayor of the Town of Innisfil and, Town of
Innisfil

(a) for the term commencing the 1st day of December, 1991, four other members, who are qualified electors of the Town of Innisfil and who are not members of council of the Town of Innisfil, appointed by the council of the Town of Innisfil at its first meeting of that term; and

- (b) for the term commencing the 1st day of December, 1994 and all terms thereafter, four other members who are qualified electors elected by general vote of the electors of the Town of Innisfil.

Town of
Bradford
West
Gwillimbury

(3) The commission of the Town of Bradford West Gwillimbury shall be composed of,

- (a) the mayor of the Town of Bradford West Gwillimbury; and
- (b) four other members who are qualified electors of the Town of Bradford West Gwillimbury and one of whom may be a member of the council of the Town of Bradford West Gwillimbury, appointed by the council of the Town of Bradford West Gwillimbury at its first meeting of each term.

Amalgamated
Town

(4) The commission of the Amalgamated Town shall be composed of,

- (a) the mayor of the Amalgamated Town; and
- (b) four other members who are qualified electors of the Amalgamated Town in an area served by the commission, elected by wards.

Minister's
order

(5) For the purpose of clause (4) (b), the Minister may, by order,

- (a) establish the number of wards, the boundaries of the wards, the number of members of the commission, up to a maximum of two members, to be elected from each ward; and
- (b) provide additional qualifications for the members of the commission to be elected from each ward.

Idem

(6) An order under subsection (5) may provide for a different number of members to be elected from different wards.

Effective
date of order

(7) An order under subsection (5) shall come into effect on the 1st day of December, 1991 but the regular election held in 1991 shall be conducted as if the order was in effect.

O.M.B.
order

(8) Section 5, except subsection (5), applies with necessary modifications to the matters set out in clause (5) (a).

Minister's
order

(9) The Minister, after an order has been issued by the Municipal Board under subsection (8), may by order provide

additional qualifications for the members of the commission to be elected from each ward.

(10) Despite subsection (2), the council of the Town of Innisfil may, by by-law passed before an appointment is made under clause (2) (a), provide that only two members be appointed to the commission for the term commencing the 1st day of December, 1991, but a by-law under this subsection shall not be repealed once an appointment has been made.

Number of
members
reduced

(11) Despite subsection (2), the council of the Town of Innisfil may, by by-law passed during 1993, provide that only two members be elected to the commission under clause (2) (b) for the term commencing the 1st day of December, 1994 and all subsequent terms, but a by-law under this subsection shall not be repealed after the 31st day of December, 1993.

Idem

19. A member of a commission shall hold office for the same term as the members of council or until the successor of the member is elected or appointed.

Term

20. The council of a town municipality may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission for that town municipality.

Delegate of
mayor

21. On the 1st day of January, 1991, the assets of a former municipality and the assets under the control and management of a commission dissolved under subsection 17 (1), and the liabilities of a former municipality and of a commission dissolved under subsection 17 (1),

Transfer of
assets,
liabilities

- (a) if they relate to the distribution and supply of electrical power and pertain to an area in a town municipality, become assets under the control and management of and liabilities of the commission of that town municipality, without compensation;
- (b) if they relate to the production, treatment, distribution and supply of water and pertain to an area in the Town of Innisfil or the Amalgamated Town, become assets and liabilities of the Town of Innisfil or the Amalgamated Town, respectively, without compensation; and
- (c) if they relate to the production, treatment, distribution and supply of water and pertain to an area in the Town of Bradford West Gwillimbury, become assets under the control and management of and lia-

bilities of the commission of the Town of Bradford West Gwillimbury, without compensation.

By-laws,
resolutions
continued

22.—(1) On the 1st day of January, 1991, every by-law and resolution of a former municipality and of a commission of a former municipality dissolved under subsection 17 (1),

- (a) if they relate to the distribution and supply of electrical power and pertain to an area in a town municipality, shall be deemed to be a by-law or resolution of the commission of the town municipality of which that area now forms a part;
- (b) if they relate to the production, treatment, distribution and supply of water and pertain to an area in the Town of Innisfil or the Amalgamated Town, shall be deemed to be a by-law or resolution of the Town of Innisfil or the Amalgamated Town respectively; and
- (c) if they relate to the production, treatment, distribution and supply of water and pertain to an area in the Town of Bradford West Gwillimbury, shall be deemed to be a by-law or resolution of the commission of the Town of Bradford West Gwillimbury.

Idem

(2) A by-law or resolution deemed to continue under subsection (1) shall remain in force until the earlier of the date they are amended or repealed by the commission or the town municipality, as the case may be, and the 31st day of December, 1994.

Certain
by-laws,
resolutions
remain
effective

(3) Nothing in this section repeals or authorizes the amendment or repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the former municipality or by a commission of that former municipality dissolved under subsection 17 (1).

Distribution
of power to
continue
R.S.O. 1980.
c. 423

23. Subject to section 24 of this Act and despite section 18 of the *Public Utilities Act*, Ontario Hydro shall continue to distribute and supply power in those parts of each town municipality that Ontario Hydro served on the 31st day of December, 1990.

Additional
areas

24.—(1) A town municipality, without the assent of the municipal electors, may pass by-laws describing additional areas of that town municipality which shall be served with hydro-electric power by the commission of that town municipality.

(2) Each town municipality shall pass a by-law under subsection (1) on or before the 31st day of December, 1991.

By-law to be passed

(3) If no notice of appeal is filed under subsection (12), a by-law under subsection (1) shall come into force on the thirtieth day after the expiry of the appeal period.

Effective date

(4) If one or more appeals have been filed under subsection (12), a by-law under subsection (1), as amended by the Municipal Board, shall come into force on the thirtieth day after the final order of the Municipal Board is issued disposing of all the appeals.

Idem

(5) A by-law under subsection (1) shall not be amended for five years unless both Ontario Hydro and the town municipality consent to an earlier amendment.

Restriction

(6) If the council of a town municipality has not complied with subsection (2), or more than five years have passed since the last by-law under subsection (1) has come into force in that town municipality, any person may apply to the council of that town municipality requesting the council to pass or to amend a by-law under subsection (1).

Application respecting by-law

(7) If an application under subsection (6) is refused or the council refuses or neglects to make a decision thereon within ninety days after receipt of the application by the clerk, the applicant may appeal to the Municipal Board and the Board shall hear the appeal and may,

Application to O.M.B.

(a) dismiss the appeal;

(b) pass a by-law under subsection (1) which shall be deemed to be a by-law of that town municipality; or

(c) amend a by-law under subsection (1) in such manner as the Board may determine,

and any such by-law or amendment comes into force thirty days after the day the order of the Board is issued.

(8) Before passing a by-law under this section, except a by-law passed or amended by the Municipal Board under subsection (7) or (19), the council of the town municipality shall ensure that sufficient information is made available to enable the public to understand generally the proposed by-law and, for this purpose, shall hold at least one public meeting, notice of which shall be given in the manner and in the form and to the persons and agencies prescribed.

Notice of proposed by-law

Public
meeting

(9) The meeting under subsection (8) shall not be held sooner than twenty days after the requirements for the giving of notice have been complied with and any person who attends the meeting shall be afforded an opportunity to make representations in respect of the proposed by-law.

Changes to
by-law

(10) If a change is made in a proposed by-law after the holding of a meeting under subsection (8), the council is not required to give any further notice in respect of the proposed by-law.

Notice of
by-law

(11) Upon the passing of a by-law under this section, except a by-law passed or amended by the Municipal Board under subsection (7) or (19), the clerk of the town municipality shall give written notice of the passing of the by-law in the manner and in the form and to the persons and agencies prescribed and the notice shall specify the last day for filing a notice of appeal under subsection (12).

Appeal to
O.M.B.

(12) Any person may, not later than the twentieth day after the day that the giving of written notice as required by subsection (11) is completed, appeal to the Municipal Board by filing with the clerk of the town municipality a notice of appeal setting out the objection to the by-law and the reasons in support of the objection.

Notice
completed

(13) For the purposes of subsection (12), the giving of written notice shall be deemed to be completed,

- (a) where notice is given by publication in a newspaper, on the day that such publication occurs;
- (b) where notice is given by personal service, on the day that the serving of all required notices is completed; and
- (c) where notice is given by mail, on the day that the mailing of all required notices is completed.

Statement of
clerk

(14) An affidavit or declaration of the clerk of the municipality that notice was given as required by subsection (11) or that no notice of appeal was filed under subsection (12) within the time allowed for appeal is conclusive evidence of the facts stated therein.

Record

(15) The clerk of the town municipality, upon receipt of a notice of appeal under subsection (12), shall compile a record which shall include,

- (a) a copy of the by-law certified by the clerk;

- (b) an affidavit or declaration duly sworn certifying that the requirements for the giving of notice as mentioned in subsection (11) have been complied with; and
- (c) the original or a true copy of all written submissions and material in support of the submissions received in respect of the by-law before the passing thereof.

(16) The clerk shall forward the notice of appeal and the record to the secretary of the Municipal Board within fifteen days of the expiry of the appeal period and shall provide such other information or material the Board may require in respect of the appeal.

Documents
to be
forwarded to
O.M.B.

(17) The Municipal Board shall hold a hearing of which notice shall be given to such persons or bodies and in such manner as the Board may determine.

Hearing

(18) Despite subsection (17), the Municipal Board may, where it is of the opinion that the reasons given for an appeal under subsection (7) or (12) are insufficient, dismiss the appeal without holding a full hearing but before so dismissing the appeal shall give the appellant an opportunity to make representations as to the merits of the appeal.

Early
dismissal

(19) The Municipal Board may dismiss the appeal or allow the appeal in whole or in part and repeal the by-law in whole or in part or amend the by-law in such manner as the Board may determine.

Powers of
O.M.B.

(20) A by-law under this section shall not have the effect of removing any area which was served with hydro-electric power by the commission of a town municipality on the day before the by-law comes into force from the service area of that commission.

Restriction

(21) In considering what additional areas of a town municipality should be added to the service area of the commission of that town municipality under this section, the town municipality and the Municipal Board shall have regard to the potential growth and development of the town municipality in the foreseeable future.

Criteria for
determination

(22) On the day a by-law comes into force in a town municipality under this section, the commission for that town municipality shall acquire the retail distribution facilities within the expanded service area of that commission used by Ontario Hydro in the retail distribution of power on the day before the by-law came into force, including equipment leased by

Acquisition
of facilities

Ontario Hydro to retail customers within the expanded service area for the use of that power.

Cost of
facilities

(23) The price of the facilities shall be equal to the original cost of the facilities less the sum of the accumulated net retail equity of the customers supplied with power through the facilities and the accumulated depreciation associated with the facilities.

Definition

(24) In subsection (22), “retail distribution facilities” means works for the transmission and supply of power at voltages less than 50 kilovolts other than works located within a transformer station that transforms power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts.

Idem

(25) In subsection (23), “accumulated net retail equity” means the portion of the equity accumulated through debt retirement appropriations recorded for the rural power district relating to Ontario Hydro’s rural retail system plus the portion of the balance recorded for rural retail customers in the Stabilization of Rates and Contingencies Account in the books of Ontario Hydro.

Regulations

(26) The Lieutenant Governor in Council may, upon the recommendation of the Minister, make regulations,

- (a) prescribing for the purpose of subsections (8) and (11), the persons and agencies that are to be given notice and the manner and form in which notice is to be given;
- (b) providing for the security of employment, the protection of benefits, including seniority and pensions, and early retirement options for employees of Ontario Hydro, town municipalities and the commission of the town municipalities affected by the expansion of the service area of a commission under this section;
- (c) exempting any matter related to the expansion of the service area of a commission under this section from the requirement of obtaining the assent of the electors of a town municipality;
- (d) deeming any matter related to the expansion of the service area of a commission under this section to be a matter within the meaning of subsection 149 (2) of the *Municipal Act*.

25.—(1) If the purchase price of the retail distribution facilities of Ontario Hydro under subsection 24 (22) is not agreed upon within one year after the date on which the commission commences distributing and supplying power in its expanded service area, the commission or Ontario Hydro may, at any time thereafter, request that the purchase price be determined by a single arbitrator agreed on by the commission and Ontario Hydro. Arbitrator

(2) The *Arbitrations Act* applies where a request is made under subsection (1). R.S.O. 1980, c. 25 applies

(3) The decision of an arbitrator under subsection (1) is not subject to appeal. Decision final

PART IV

POLICE SERVICES

26. The Board of Commissioners of Police of the Township of Innisfil and the committees of council of the Town of Bradford and the Town of Alliston responsible for policing are dissolved on the 1st day of January, 1991. Dissolution

27.—(1) A board of commissioners of police is hereby established for each of the town municipalities on the 1st day of January, 1991. Board of commissioners of police

(2) Each board established under subsection (1) shall be deemed to be a board established under section 8 of the *Police Act*. Deemed board under R.S.O. 1980, c. 381

(3) After the 30th day of November, 1991, each board shall be composed of those members provided for under section 8 of the *Police Act*. Composition of board

28. On the 1st day of January, 1991, Transfer of assets and liabilities

(a) the assets under the control and management of the Board of Commissioners of Police of the Township of Innisfil dissolved under section 26 and the liabilities of such board become assets under the control and management of and liabilities of the board of the Town of Innisfil, without compensation;

(b) the assets and liabilities of the Town of Bradford related to policing become assets under the control and management of and liabilities of the board of the Town of Bradford West Gwillimbury, without compensation; and

- (c) the assets and liabilities of the Town of Alliston related to policing become assets under the control and management of and liabilities of the board of the Amalgamated Town, without compensation.

Continuation
of by-laws,
resolutions

29.—(1) On the 1st day of January, 1991,

- (a) all by-laws and resolutions of the Board of Commissioners of Police of the Township of Innisfil dissolved under this Part are continued as by-laws and resolutions of the board of the Town of Innisfil;
- (b) all by-laws and resolutions of the Town of Bradford relating to the governing of its police force are continued as by-laws and resolutions of the board of the Town of Bradford West Gwillimbury; and
- (c) all by-laws and resolutions of the Town of Alliston relating to the governing of its police force are continued as by-laws and resolutions of the board of the Amalgamated Town.

Limitation

- (2) By-laws and resolutions continued by clauses (1) (a), (b) and (c) apply only in the area of the Township of Innisfil, the Town of Bradford and the Town of Alliston, respectively.

Expiry

- (3) By-laws and resolutions continued by subsection (1) shall remain in force until the earlier of,

- (a) the date they are amended or repealed by the board; and
- (b) the 31st day of December, 1994.

Certain by-
laws,
resolutions
remain
effective

- (4) Nothing in this section repeals or authorizes the amendment or repeal of by-laws or resolutions conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed or amended by the board or municipality which originally enacted the by-laws or resolutions.

Agreement
respecting
police
services

- 30.—(1)** Subject to subsection (4), the Solicitor General, upon the application of the council of a town municipality or upon the joint application of the councils of the requesting municipalities of a town municipality described in subsection (2), shall enter into an agreement with the town municipality or the requesting municipalities of the town municipality, as the case may be, under section 64 of the *Police Act* for the Ontario Provincial Police Force to provide police services for five years, or such shorter time as may be requested, com-

mencing the 1st day of January, 1991, in those areas of the town municipality in which the Ontario Provincial Police Force was providing police services on the 31st day of December, 1990.

(2) The requesting municipalities under subsection (1) are, Requesting municipalities

(a) the Township of Innisfil and the Village of Cookstown for the Town of Innisfil;

(b) the Town of Bradford and the Township of West Gwillimbury for the Town of Bradford West Gwillimbury;

(c) the Town of Alliston, the Village of Beeton, the Township of Tecumseth and the Village of Tottenham for the Amalgamated Town.

(3) An application under subsection (1) shall be made no later than the 31st day of January, 1991. Timing of application

(4) The Solicitor General may refuse to enter into an agreement to provide police services under subsection (1) unless the town municipality or the requesting municipalities of the town municipality, as the case may be, Conditions to be met

(a) agree to pay the compensation established by the Solicitor General for the police services; and

(b) agree to purchase the type and level of police services that, in the opinion of the Solicitor General, is required to properly police the town municipality.

(5) An agreement under subsection (1) between the Solicitor General and the requesting municipalities of a town municipality shall on the 1st day of January, 1991 be deemed to be an agreement between the Solicitor General and the town municipality. Transfer of agreement

31.—(1) If, on the 1st day of January, 1991, a town municipality does not have an agreement with the Solicitor General under section 30, the Ontario Provincial Police Force shall continue to provide police services in the area of the town municipality in which the Ontario Provincial Police Force was providing police services on the 31st day of December, 1990 until the Ontario Police Commission is satisfied the board of that town municipality has made adequate provision for the proper policing of the town municipality. Where no agreement

Payment for
police
services

(2) The cost of the Ontario Provincial Police Force providing police services under subsection (1) shall be charged to the town municipality and may be deducted from any grant payable out of provincial funds to the town municipality or may be recovered with costs by action in any court of competent jurisdiction as a debt due to the Crown.

PART V

PUBLIC LIBRARIES

Transfer of
assets,
liabilities

32.—(1) All library boards of the former municipalities are dissolved on the 1st day of January, 1991, and their assets and liabilities pertaining to the area in a particular town municipality are transferred to the board for that town municipality established under subsection (2), without compensation.

Library
boards
established

(2) A public library board for each town municipality is hereby established on the 1st day of January, 1991, and each board shall be deemed to be a public library board under Part I of the *Public Libraries Act, 1984*.

1984, c. 57

Continuation
of by-laws,
etc.

(3) All by-laws, rules, regulations and fees pertaining to the area in a particular town municipality passed or established by the boards dissolved under subsection (1) are continued as by-laws, rules, regulations and fees of the board for that town municipality established under subsection (2) and shall remain in force until the earlier of,

(a) the date they are amended or repealed by the board; and

(b) the 31st day of December, 1994.

Certain
by-laws
continued

(4) Nothing in this section repeals or authorizes the amendment or repeal of by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by a board dissolved under subsection (1).

PART VI

FINANCES

Definitions

33. In this Part,

“average municipal commercial mill rate” means, in respect of a local municipality, the rate obtained by dividing the total of taxes levied for all purposes, other than for school purposes and other than under sections 32 and 33 of the *Assessment Act*, on the commercial assessment for the sec-

R.S.O. 1980,
c. 31

ond preceding year by the total commercial assessment for the second preceding year and multiplying the result by 1,000;

“commercial assessment” means commercial assessment as defined in clause 1 (1) (b) of the *Ontario Unconditional Grants Act*;

R.S.O. 1980,
c. 359

“discounted assessment” means, for a local municipality or for a merged area, the sum of,

- (a) the product obtained by multiplying the residential and farm assessment for that local municipality or that merged area by its prescribed discount factor, and
- (b) the commercial assessment for that local municipality or that merged area;

“discounted equalized assessment” means,

- (a) for each local municipality, the sum of the discounted assessment and the equivalent assessment of that local municipality divided by its prescribed equalization factor and multiplied by 100, and
- (b) for each merged area, the discounted assessment of the merged area divided by its prescribed equalization factor and multiplied by 100;

“equivalent assessment” means, for a local municipality, except a town municipality, the assessment obtained by dividing that portion of its payments in lieu of taxes in the second preceding year, as defined in clause 365 (1) (j) of the *Municipal Act*, not allocated for school purposes, by the average municipal commercial mill rate and multiplying the result by 1,000;

R.S.O. 1980,
c. 302

“local municipality” means a town, village and township which forms part of the County for municipal purposes;

“merged area” means,

- (a) in the case of the Town of Innisfil, the area of the Township of Innisfil, the Village of Cookstown, the portion of the Township of Tecumseth forming part of the said town, or the portion of the Township of West Gwillimbury forming part of the said town,

- (b) in the case of the Town of Bradford West Gwillimbury, the area of the Town of Bradford, the portion of the Township of West Gwillimbury forming part of the Town of Bradford West Gwillimbury or the portion of the Township of Tecumseth forming part of the Town of Bradford West Gwillimbury, and
- (c) in the case of the Amalgamated Town, the area of the Town of Alliston, the Village of Beeton, the Village of Tottenham, or the portion of the Township of Tecumseth forming part of the Amalgamated Town;

“net county levy” means the amount required for County purposes under subsection 365 (6) of the *Municipal Act* including the sums required for any board, commission or other body, apportioned to each local municipality by the County;

“net lower tier levy” means the amount required for the purposes of a local municipality under section 164 of the *Municipal Act* including the sums required for any board, commission or other body, but excluding amounts required to be raised for County and school purposes or for a special rate imposed under section 42;

“residential and farm assessment” means residential and farm assessment as defined in clause 7 (1) (e) of the *Ontario Unconditional Grants Act*.

Prescribed
factors

34.—(1) For purposes of apportioning the net county levy or the net lower tier levy among the merged areas, the Minister may, in each year, prescribe the equalization factor and the discount factor to apply for that year to each local municipality within the County and each merged area.

Notification
by Minister

(2) For purposes of determining the discounted equalized assessment for each town municipality, the Ministry of Municipal Affairs may, in each year, calculate and notify the treasurer of the County of the equivalent assessment for each town municipality.

Annual
County
apportion-
ments

R.S.O. 1980,
c. 302

(3) Despite subsection 365 (6) of the *Municipal Act*, the treasurer of the County shall determine,

- (a) the discounted equalized assessment of each local municipality in the County;
- (b) the discounted equalized assessment of the County; and

- (c) the percentage share of apportionment, correct to three decimal places, for each local municipality by dividing the discounted equalized assessment for each local municipality by the discounted equalized assessment of the County and multiplying the result by 100.

35.—(1) In each year, the Ministry of Municipal Affairs shall calculate and notify each town municipality of the discounted equalized assessment for each merged area of that town municipality.

Notification
by Minister

(2) Despite subsection 7 (2) of the *Ontario Unconditional Grants Act*, the net county levy and the net lower tier levy of a town municipality shall be levied against the whole rateable property, including business assessment thereon, of that town municipality and apportioned between the merged areas of that town municipality in the proportion that the discounted equalized assessment for each merged area of that town municipality bears to the total discounted equalized assessment of all merged areas of that town municipality.

How levies
apportioned
R.S.O. 1980,
c. 359

(3) The rates to be levied in each merged area of a town municipality shall be determined in accordance with subsection 7 (3) of the *Ontario Unconditional Grants Act*.

Idem

36.—(1) Despite section 35, the council of a town municipality may by by-law in any year, before the adoption of the estimates for that year, levy such rates as it may determine in each of the merged areas of that town municipality on the rateable commercial assessment and on the rateable residential and farm assessment in the merged area.

Interim levy

(2) A by-law for levying rates under subsection (1) shall be passed in the year that the rates are to be levied or may be passed in December of the preceding year if it provides that it does not come into force until a specified day in the following year.

When by-law
to be passed

(3) The rate that may be levied on any assessment under subsection (1) shall not exceed 50 per cent of the total of the rates that were levied or would have been levied on that assessment for all purposes in the preceding year.

Amount

(4) If the assessment roll for taxation in the current year has not been returned, the rate levied under subsection (1) may be levied on the assessment according to the assessment roll used for taxation purposes in the preceding year.

Idem

Deduction

(5) The amount of any levy under subsection (1) shall be deducted from the amount of the levies made under subsection 35 (2) of this Act and under Parts IV and VIII of the *Education Act*.

R.S.O. 1980,
c. 129

R.S.O. 1980,
c. 302 applies

(6) The provisions of the *Municipal Act* respecting the levying of rates and collection of taxes apply to the levying of rates and collection of taxes under this section.

Deeming
provision in
respect of
R.S.O. 1980,
c. 129

37.—(1) For the purposes of levying taxes under Parts IV and VIII of the *Education Act*, the merged areas shall be deemed to be municipalities, and the council of a town municipality shall be deemed to be the council of each merged area of that town municipality.

Regulations

(2) The Lieutenant Governor in Council may each year make regulations providing for the apportionment of the sums required by The Simcoe County Board of Education and the Simcoe County Roman Catholic Separate School Board with respect to any local municipality or merged area or parts thereof that are wholly or partly within their area of jurisdiction.

Reassessment

R.S.O. 1980,
c. 31

38. When a town municipality is reassessed under section 63 or section 70 of the *Assessment Act*,

(a) the merged areas of that town municipality cease to exist; and

(b) subsections 34 (1) and (2) and sections 35, 36 and 37 cease to apply to that town municipality.

County-wide
assessment

R.S.O. 1980,
c. 302

39. Sections 34 to 38 of this Act and sections 365, 366 and 368 of the *Municipal Act* cease to apply to the County and the local municipalities if the County has been subject to an assessment update under section 368b of the *Municipal Act*.

Rates,
subsequent
years

40. The Minister may by order provide that in the year or years and in the manner specified in the order, the council of a town municipality shall levy, on the real property and business assessment according to the last returned assessment roll in any specified merged area or in any other area specified in the order, rates of taxation for general purposes and rates and charges for special purposes that are different from the rates which would have been levied for such purposes but for this section.

Grants or
loans

41. The Minister may by order before the 1st day of January, 2000, on such conditions as the Minister considers appropriate, make grants or loans to the town municipalities, the

former municipalities and the County to achieve the purposes of this Act.

42.—(1) In this section,

Definitions

“urban service” means a service of a town municipality not being provided generally throughout that town municipality or not benefiting lands in that town municipality equally, and includes any liability incurred by a former municipality with respect to such service;

“urban service area” means the area or rateable property, including the business assessment thereon, designated in a by-law under clause (2) (c) or in an order under clause (4) (c).

(2) The council of a town municipality may, with the approval of the Municipal Board, by by-law,

By-laws
respecting
urban
services

- (a) identify an urban service;
- (b) define which costs of that town municipality are related to that urban service;
- (c) designate upon what area or rateable property, including business assessment thereon, of that town municipality the related costs should be raised;
- (d) levy a special rate on that area or rateable property, including the business assessment thereon, to raise the whole or part of the related costs; and
- (e) amend or dissolve an urban service area established under this section.

(3) The rates to be levied within each urban service area shall be determined in accordance with subsection 7 (3) of the *Ontario Unconditional Grants Act*.

Determi-
nation of
rates
R.S.O. 1980,
c. 359

(4) Before the 1st day of January, 1991, the Minister, upon the joint application of the councils of all former municipalities which will form part of a particular town municipality, may make an order to be effective no earlier than the 1st day of January, 1991, that,

Minister's
order

- (a) identifies an urban service;
- (b) defines which costs of that town municipality will relate to that urban service; and

- (c) designates upon what area or rateable property, including business assessment thereon, of the town municipality the related costs shall be raised.

Where
O.M.B.
approval not
required

(5) Where an order under subsection (4) creating an urban service area is in force and has not been amended under subsection (6), the council of a town municipality may pass a by-law under clause (2) (d) related to that urban service area without the approval of the Municipal Board.

Amendment
or repeal of
order

(6) The council of a town municipality may, with the approval of the Municipal Board, by by-law amend or repeal an order under subsection (4).

PART VII

MISCELLANEOUS

Committee of
referees

43.—(1) The Minister may, on or before the 1st day of September, 1990, appoint committees of referees to make adjustments of assets and liabilities arising from any amalgamation or dissolution under this Act.

Composition
of committee

(2) Each committee shall consist of one or more treasurers of the former municipalities directly affected by the adjustment of particular assets and liabilities and such other persons as the Minister may appoint.

Provisional
adjustments

(3) Before the 31st day of December, 1990, the committees shall make provisional adjustments of the known assets and liabilities and these adjustments shall become operative from the 1st day of January, 1991.

Final
adjustments

(4) Before the 30th day of June, 1991, the committees shall determine the final adjustments of the assets and liabilities as of the 31st day of December, 1990.

Copy of
decision to
parties
affected

(5) The committee of referees shall within thirty days of making the determination under subsection (4) forward its decision to the town municipalities and local boards directly affected by the adjustments.

Appeal to
board of
arbitrators

(6) Any town municipality or local board directly affected by a decision under subsection (4) may, within thirty days of receiving the decision under subsection (5), appeal the decision to a board of arbitrators established under subsection (7) which shall determine the matter after a hearing.

(7) The Minister shall appoint a board of arbitrators to make adjustments of assets and liabilities arising from any amalgamation or dissolution under this Act.

Appointment
by Minister

(8) Sections 3 to 5, 7, 9 to 11 and 13 to 15 of the *Arbitrations Act* and the Schedule to that Act apply to an arbitration under this section.

Certain
provision of
R.S.O. 1980,
c. 25 apply

(9) The decisions of the board of arbitrators are binding on the town municipalities and local boards and are not subject to appeal.

Decisions of
board
binding

(10) A decision of a committee of referees or of the board of arbitrators under this section may provide for any financial adjustments among the town municipalities and the local boards thereof which in its opinion are necessary as a result of the adjustments of assets and liabilities under this Act.

Financial
adjustments

44.—(1) Subject to subsection (2), for 1991 and each subsequent year the maximum contribution that the County may make to a town municipality under section 59 of the *Public Transportation and Highway Improvement Act* shall not exceed the total of the contributions the County made under that section in 1990 to former municipalities that now form part of that town municipality.

Contributions
under
R.S.O. 1980,
c. 421

(2) The maximum contribution the County may make to a town municipality in any year shall be increased by the percentage by which the total County levy for road purposes in that year on all municipalities forming part of the County for municipal purposes exceeds the total County levy for road purposes in 1990.

Increases

45.—(1) Subject to subsection (2), section 58 of the *Public Transportation and Highway Improvement Act* does not apply to roads of a town municipality located in the Township of Innisfil, the Township of Tecumseth or the Township of West Gwillimbury.

R.S.O. 1980,
c. 421, s. 58
does not
apply

(2) The Lieutenant Governor in Council may, upon the recommendation of the Minister, make regulations providing that section 58 of the *Public Transportation and Highway Improvement Act* applies to any road located in the Township of Innisfil, the Township of Tecumseth and the Township of West Gwillimbury.

Regulations

46.—(1) No former municipality shall, without the approval of the Minister, dispose of any real property located in,

Limitation on
disposal of
real property

- (a) the portion of the Township of West Gwillimbury to be amalgamated with the Town of Innisfil under clause 2 (1) (a);
- (b) the portion of the Township of Tecumseth to be amalgamated with the Town of Innisfil under clause 2 (1) (a); or
- (c) the portion of the Township of Tecumseth to be amalgamated with the Town of Bradford West Gwillimbury under clause 2 (1) (b).

Retroactive
application

(2) Any transaction made by a former municipality after the 6th day of June, 1990 that purports to dispose of real property without obtaining the approval of the Minister is void.

Conservation
authorities
R.S.O. 1980,
c. 85

47.—(1) Despite this Act and section 2 of the *Conservation Authorities Act*, on and after the 1st day of January, 1991, every person who was a representative of a former municipality on a conservation authority on the 31st day of December, 1990, shall continue to hold that office until the town municipality for which that member is deemed to be a representative under subsection (2) makes its new appointments under section 2 of the *Conservation Authorities Act* following the 1991 regular election.

Idem

(2) A representative of a former municipality whose term is continued under subsection (1) shall,

- (a) in the case of a representative appointed by the Village of Cookstown or the Township of Innisfil, be deemed to be a representative of the Town of Innisfil;
- (b) in the case of a representative appointed by the Town of Bradford or the Township of West Gwillimbury, be deemed to be a representative of the Town of Bradford West Gwillimbury; and
- (c) in the case of a representative appointed by the Town of Alliston, the Village of Beeton, the Township of Tecumseth or the Village of Tottenham, be deemed to be a representative of the Amalgamated Town.

PART VIII

TRANSITIONAL PROVISIONS

48. In this Part, “pre-election period” means the period from the 1st day of January, 1991 until the 30th day of November, 1991, inclusive. Definition

49.—(1) Despite section 32 of the *Municipal Act*, during the pre-election period, the council of each town municipality shall consist of the members described under this section. Transition,
composition
of council
R.S.O. 1980,
c. 302

(2) The council of the Town of Innisfil shall be composed of, Town of
Innisfil

(a) a mayor, who shall be the person who was the reeve of the Township of Innisfil on the 31st day of December, 1990;

(b) a reeve, who shall be the person who was the deputy reeve of the Township of Innisfil on the 31st day of December, 1990;

(c) a deputy reeve, who shall be the person who was the reeve of the Village of Cookstown on the 31st day of December, 1990;

(d) five members who shall be the persons who were the members of the council, except the reeve and deputy reeve, of the Township of Innisfil on the 31st day of December, 1990; and

(e) four members who shall be the persons who were the members of council, except the reeve, of the Village of Cookstown on the 31st day of December, 1990.

(3) The council of the Town of Bradford West Gwillimbury shall be composed of, Town of
Bradford
West
Gwillimbury

(a) a mayor, who shall be the person who was the mayor of the Town of Bradford on the 31st day of December, 1990;

(b) a deputy mayor, who shall be the person who was the reeve of the Township of West Gwillimbury on the 31st day of December, 1990;

- (c) a reeve, who shall be the person who was the reeve of the Town of Bradford on the 31st day of December, 1990;
- (d) two deputy reeves, who shall be the persons who were the deputy reeve of the Town of Bradford and the deputy reeve of the Township of West Gwillimbury on the 31st day of December, 1990;
- (e) four members who shall be the persons who were the members of the council, except the mayor, reeve and deputy reeve, of the Town of Bradford on the 31st day of December, 1990; and
- (f) three members who shall be the persons who were the members of the council, except the reeve and deputy reeve, of the Township of West Gwillimbury on the 31st day of December, 1990.

Amalgamated
Town

(4) The council of the Amalgamated Town shall be composed of,

- (a) a mayor, who shall be the person who was the mayor of the Town of Alliston on the 31st day of December, 1990;
- (b) a deputy mayor, who shall be the person who was the reeve of the Township of Tecumseth on the 31st day of December, 1990;
- (c) a reeve, who shall be the person who was the reeve of the Village of Tottenham on the 31st day of December, 1990;
- (d) a deputy reeve, who shall be the person who was the reeve of the Village of Beeton on the 31st day of December, 1990;
- (e) a county councillor, who shall be the person who was the reeve of the Town of Alliston on the 31st day of December, 1990;
- (f) five members who shall be the persons who were the members of council, except the mayor and the reeve, of the Town of Alliston on the 31st day of December, 1990;
- (g) four members who shall be the persons who were the members of council, except the reeve, of the

Township of Tecumseth on the 31st day of December, 1990;

- (h) four members who shall be the persons who were the members of council, except the reeve, of the Village of Tottenham on the 31st day of December, 1990; and
- (i) four members who shall be the persons who were the members of council, except the reeve, of the Village of Beeton on the 31st day of December, 1990.

(5) The first meeting of a council established under this section shall be held not later than the 9th day of January, 1991. First meeting

(6) A member of a council established under this section has only one vote. One vote

(7) Despite sections 37 and 38 of the *Municipal Act*, a member of a council established under this section shall not be disqualified from holding that office because of any loss of qualification resulting solely from the amalgamations under section 2. Disqualifications

50.—(1) During the pre-election period, the five wards of the Township of Innisfil shall continue as the five wards of the Town of Innisfil except that, Transition,
Township of
Innisfil

(a) the area of the Village of Cookstown, the portion of the Township of Tecumseth described firstly in Schedule A and the portion of the Township of West Gwillimbury described in Schedule E are added to Ward 1; and

(b) the portion of the Township of West Gwillimbury described in Schedule F is added to Ward 2.

(2) The five members of the council of the Town of Innisfil described in clause 49 (2) (d) shall represent the same wards, as modified under subsection (1), as they represented in the Township of Innisfil. Idem

(3) In addition to the Ward 1 representative under subsection (2), the four members of the council of the Village of Cookstown described in clause 49 (2) (e) shall represent Ward 1 as modified under subsection (1). Idem

51.—(1) During the pre-election period,

Transition,
County
Council

- (a) the Town of Innisfil shall be represented on County Council by its mayor, reeve and deputy reeve;
- (b) the Town of Bradford West Gwillimbury shall be represented on County Council by its deputy mayor and reeve; and
- (c) the Amalgamated Town shall be represented on County Council by its deputy mayor, reeve, deputy reeve and county councillor.

Voting

(2) The members of County Council under subsection (1) shall have a total of seventeen votes of which,

- (a) the mayor of the Town of Innisfil and the reeve of the Town of Bradford West Gwillimbury shall each have three votes;
- (b) the reeve of the Town of Innisfil, the deputy mayor of the Town of Bradford West Gwillimbury and the deputy mayor and the county councillor of the Amalgamated Town shall each have two votes; and
- (c) the deputy reeve of the Town of Innisfil and the reeve and deputy reeve of the Amalgamated Town shall each have one vote.

First meeting

(3) The first meeting of County Council in 1991 shall be held after each of the councils of the town municipalities has held its first meeting under subsection 49 (5) but, in any event, not later than the 22nd day of January, 1991.

Vacancies,
voting

(4) Sections 15 and 16 apply to the members of County Council during the pre-election period.

Transition,
public utility
commission
R.S.O. 1980,
c. 423

52.—(1) Despite section 41 of the *Public Utilities Act*, the hydro-electric commission of a town municipality shall, during the pre-election period, be composed of,

- (a) in the case of the commission of the Town of Innisfil, the members of the committee of council of the Village of Cookstown dissolved under subsection 17 (1);
- (b) in the case of the commission of the Town of Bradford West Gwillimbury, the members of the public utility commission of the Town of Bradford dissolved under subsection 17 (1) and the person who was the reeve of the Township of West Gwillimbury on the 31st day of December, 1990; and

(c) in the case of the commission of the Amalgamated Town,

(i) the members of the public utility commissions of the Town of Alliston and the Village of Tottenham dissolved under subsection 17 (1),

(ii) the person who was the reeve of the Village of Beeton on the 31st day of December, 1990, and

(iii) the person who was the reeve of the Township of Tecumseth on the 31st day of December, 1990.

(2) Sections 19 and 20 apply to the members of a commission during the pre-election period. Term,
delegation

53.—(1) During the pre-election period, the boards established under subsection 27 (1) shall be composed of the members described in this section. Transition,
police
services

(2) The board of the Town of Innisfil shall be composed of, Town of
Innisfil

(a) the members of the Board of Commissioners of Police of the Township of Innisfil dissolved under section 26;

(b) the person who was the reeve of the Village of Cookstown on the 31st day of December, 1990; and

(c) one other person appointed by the Lieutenant Governor in Council.

(3) The board of the Town of Bradford West Gwillimbury shall be composed of, Town of
Bradford
West
Gwillimbury

(a) the person who was the mayor of the Town of Bradford on the 31st day of December, 1990;

(b) the person who was the reeve of the Township of West Gwillimbury on the 31st day of December, 1990; and

(c) three other persons appointed by the Lieutenant Governor in Council.

(4) The board of the Amalgamated Town shall be composed of, Amalgamated
Town

- (a) the person who was the mayor of the Town of Alliston on the 31st day of December, 1990;
- (b) a person who is a qualified elector of the Amalgamated Town, appointed by the council of the Amalgamated Town at its first meeting in 1991; and
- (c) three other persons appointed by the Lieutenant Governor in Council.

Transition,
libraries
1984, c. 57

54. Despite section 9 of the *Public Libraries Act, 1984* during the pre-election period, two of the members appointed by the council of the Town of Innisfil to the public library board for the Town of Innisfil established under subsection 32 (2), shall be qualified electors of the Town of Innisfil in the area of the Village of Cookstown.

PART IX

CONSEQUENTIAL AMENDMENTS AND COMMENCEMENT

R.S.O. 1980,
c. 497

55. Paragraph 34 of section 1 of the *Territorial Division Act* is amended,

- (a) by repealing clause (b) and substituting the following:
 - (b) the Town of the Amalgamated Municipalities of Alliston, Beeton, Tecumseth and Tottenham;
 - (ba) the towns of Bradford West Gwillimbury, Collingwood, Innisfil, Midland, Penetanguishene, Stayner, Wasaga Beach;
- (b) by striking out "Beeton" and "Cookstown" in the first line of clause (c) and "Tottenham" in the second line of clause (c); and
- (c) by striking out "Innisfil" in the first column of clause (d) and "Tecumseth" and "West Gwillimbury" in the second column of clause (d).

Commence-
ment

56.—(1) This Act, except sections 5 and 55, comes into force on the day it receives Royal Assent.

Idem

(2) Section 5 comes into force on the 1st day of December, 1991.

(3) Section 55 comes into force on the 1st day of January, *Idem*
1991.

57. The short title of this Act is the *County of Simcoe Act*, *Short title*
1990.

SCHEDULE A

The land described as follows:

Firstly: Part of the Township of Tecumseth, commencing at the intersection of the easterly boundary of the Township of Tecumseth and the easterly prolongation of the southerly limit of the northerly half of Lot 24 in Concession XIII;

Thence westerly to and along the southerly limit of the northerly half of lots 24, 23 and 22 in Concession XIII to the westerly limit of Lot 22;

Thence northerly along the westerly limit of Lot 22 in concessions XIII, XIV and XV and the northerly prolongation thereof to the northerly boundary of the Township of Tecumseth;

Thence easterly along the northerly boundary of the Township of Tecumseth to the westerly boundary of the Village of Cookstown;

Thence southerly and easterly along the southwesterly boundaries of the Village of Cookstown to the easterly boundary of the Township of Tecumseth;

Thence southerly along the easterly boundary of the Township of Tecumseth to the point of commencement;

Secondly: Part of the Township of West Gwillimbury, commencing at the intersection of the westerly boundary of the Township of West Gwillimbury and the westerly prolongation of the southerly limit of the northerly half of Lot 1 in Concession XIII;

Thence easterly to and along the southerly limit of the northerly half of Concession XIII to the southeasterly angle of the northerly half of Lot 23;

Thence easterly along the easterly prolongation of the southerly limit of the northerly half of Lot 23 in Concession XIII to the middle of Cook's Bay of Lake Simcoe being a point on a line measured north 15° east from the middle of the mouth of the Holland River in accordance with subsection 12 (1) of the *Territorial Division Act*;

Thence north 15° east along the middle of Cook's Bay 2,900 metres to intersect the easterly prolongation of the northerly boundary of the Township of West Gwillimbury;

Thence westerly to and along the northerly boundary of the Township of West Gwillimbury to the easterly boundary of the Village of Cookstown;

Thence southwesterly along the southeasterly boundaries of the Village of Cookstown to the westerly boundary of the Township of West Gwillimbury;

Thence southerly along the westerly boundary of the Township of West Gwillimbury to the point of commencement.

SCHEDULE B

The land described as follows:

Part of the Township of West Gwillimbury, commencing at the south-westerly angle of the Township of West Gwillimbury;

Thence northerly along the westerly boundary of the Township of West Gwillimbury to intersect the westerly prolongation of the northerly limit of the southerly half of Lot 1 in Concession XIII;

Thence easterly to and along the northerly limit of the southerly half of Concession XIII to the southeasterly angle of the northerly half of Lot 23 in Concession XIII;

Thence easterly along the easterly prolongation of the southerly limit of the northerly half of Lot 23 in Concession XIII to the middle of Cook's Bay of Lake Simcoe being a point on a line measured north 15° east from the middle of the mouth of the Holland River in accordance with subsection 12 (1) of the *Territorial Division Act*;

Thence south 15° west 750 metres to the middle of the mouth of the Holland River;

Thence southwesterly along the middle of the main channel of the Holland River to the westerly boundary of the Township of West Gwillimbury;

Thence northerly along the westerly boundary of the Township of West Gwillimbury to the point of commencement;

Excluding the lands lying within the Town of Bradford.

SCHEDULE C

The land described as follows:

Part of the Township of Tecumseth, commencing at the southeasterly angle of the Township of Tecumseth;

Thence westerly along the southerly boundary of the Township of Tecumseth to intersect the southerly prolongation of the westerly limit of Lot 23 in Concession I;

Thence northerly to and along the westerly limit of Lot 23 in concessions I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII and XIII to the northerly limit of the southerly half of Lot 23 in Concession XIII;

Thence easterly along the northerly limit of the southerly half of lots 23 and 24 in Concession XIII and the easterly prolongation thereof to the easterly boundary of the Township of Tecumseth;

Thence southerly along the easterly boundary of the Township of Tecumseth to the point of commencement.

SCHEDULE D

The land described as follows:

Part of the Township of Tecumseth commencing at the southwesterly angle of the Township of Tecumseth;

Thence easterly along the southerly boundary of the Township of Tecumseth to intersect the southerly prolongation of the easterly limit of Lot 22 in Concession I;

Thence northerly to and along the easterly limit of Lot 22 in concessions I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII and XIII to the northerly limit of the southerly half of Lot 22 in Concession XIII;

Thence westerly along the northerly limit of the southerly half of Lot 22 to the westerly limit of the northerly half of Lot 22;

Thence northerly along the westerly limit of Lot 22 in concessions XIII, XIV and XV and the northerly prolongation thereof to the northerly boundary of the Township of Tecumseth;

Thence westerly along the northerly boundary of the said Township to the easterly boundary of the Town of Alliston;

Thence southwesterly along the southeasterly boundaries of the said Town to the westerly boundary of the Township of Tecumseth;

Thence southerly along the westerly boundary of the said Township to the point of commencement;

Excluding the lands lying within the Village of Beeton and the Village of Tottenham.

SCHEDULE E

The land described as follows:

Commencing at the intersection of the northerly boundary of the Township of West Gwillimbury and the westerly limit of Lot 20 in Concession XV;

Thence southerly along the westerly limit of Lot 20 in concessions XV, XIV and XIII to the southerly limit of the northerly half of Lot 20 in Concession XIII;

Thence westerly along the southerly limit of the northerly half of Concession XIII to the westerly boundary of the Township of West Gwillimbury;

Thence northerly along the westerly boundary of the said Township to the southerly boundary of the Village of Cookstown;

Thence northeasterly along the southerly and easterly boundaries of the said Village to the northerly boundary of the Township of West Gwillimbury;

Thence easterly along the northerly boundary of the said Township to the point of commencement.

SCHEDULE F

The land described as follows:

Commencing at the intersection of the northerly boundary of the Township of West Gwillimbury and the westerly limit of Lot 20 in Concession XV;

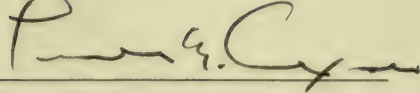
Thence southerly along the westerly limit of Lot 20 in concessions XV, XIV and XIII to the southerly limit of the northerly half of Lot 20 in Concession XIII;

Thence easterly along the southerly limit of the northerly half of lots 20, 21, 22 and 23 to the southeasterly angle of the northerly half of Lot 23;

Thence easterly along the easterly prolongation of the southerly limit of the northerly half of Lot 23 in Concession XIII to the easterly boundary of the Township of West Gwillimbury;

Thence northerly along the easterly boundary of the said Township of the northeasterly angle of the said Township;

Thence westerly along the northerly boundary of the said Township to the point of commencement.

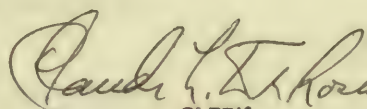


Bill 187

(Chapter 24
Statutes of Ontario, 1989)

An Act to amend certain Acts as they relate to Police and Sheriffs

The Hon. I. Scott
Attorney General



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	November 17th, 1988
<i>2nd Reading</i>	February 14th, 1989
<i>3rd Reading</i>	June 19th, 1989
<i>Royal Assent</i>	June 20th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 187

1989

**An Act to amend certain Acts
as they relate to Police and Sheriffs**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

57a.—(1) A board or council responsible for the policing of a municipality has the following responsibilities, with respect to premises where court proceedings are conducted:

1. Ensuring the security of judges and of persons taking part in or attending proceedings.
2. During the hours when judges and members of the public are normally present, ensuring the security of the premises.
3. Ensuring the secure custody of persons in custody who are on or about the premises including persons taken into custody at proceedings.
4. Determining appropriate levels of security for the purposes of paragraphs 1, 2 and 3.

Court security in municipalities with police forces

(2) The Ontario Provincial Police Force has the responsibilities set out in paragraphs 1, 2, 3 and 4 of subsection (1) in those parts of Ontario in which it has responsibility for policing.

Idem, other parts of Ontario

(3) The responsibilities created by this section replace any responsibility for ensuring court security that existed at common law.

Common law replaced

(2) No action or other proceeding for damages, specific performance or any other relief shall be instituted against Her

Contracts unenforceable

Majesty the Queen in right of Ontario or the Attorney General or their officers, employees or agents arising from the negotiation, performance or termination of any agreement relating to court security entered into before this Act comes into force.

2.—(1) Section 2 of the *Sheriffs Act*, being chapter 470 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1984, chapter 11, section 212, is repealed and the following substituted therefor:

Civil orders
directed to
sheriffs

2.—(1) Unless an Act provides otherwise, orders of a court arising out of a civil proceeding and enforceable in Ontario shall be directed to the sheriff for enforcement.

Police to
assist sheriff

(2) A sheriff who believes that the execution of an order may give rise to a breach of the peace may require a police officer to accompany the sheriff and assist in the execution of the order.

(2) Section 16 of the said Act is repealed.

(3) Section 17 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 11, section 212, is repealed.

3. Section 37 of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is amended,

- (a) by striking out "the sheriff or a police force, or both" in the fourth last line of subsection (2) and inserting in lieu thereof "a police force";
- (b) by striking out "sheriff or" in the first line of subsection (4); and
- (c) by striking out "a sheriff or" in the second line of subsection (5).

4.—(1) Section 94 of the *Courts of Justice Act*, 1984, being chapter 11, is amended by inserting after "reporters" in the first line "court attendants".

(2) Subsection 108 (3) of the said Act is amended by striking out "and 146 (prohibition against photography at court hearings)" in the second and third lines and inserting in lieu thereof "146 (prohibition against photography at court hearings) and 152a (arrest and committal warrants enforceable by police)".

(3) The said Act is amended by adding thereto the following section:

152a. Warrants of committal, warrants for arrest and any other orders requiring persons to be apprehended or taken into custody shall be directed to police officers for enforcement. Orders enforceable by police

5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

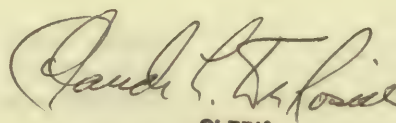
6. The short title of this Act is the *Police and Sheriffs Statute Law Amendment Act, 1989*. Short title

Bill 189

(Chapter 25
Statutes of Ontario, 1989)

An Act to amend the Provincial Offences Act and the Highway Traffic Act

The Hon. I. Scott
Attorney General



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	November 17th, 1988
<i>2nd Reading</i>	June 14th, 1989
<i>3rd Reading</i>	June 19th, 1989
<i>Royal Assent</i>	June 20th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*



Bill 189

1989

**An Act to amend the
Provincial Offences Act and the Highway Traffic Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 91g of the *Provincial Offences Act*, being chapter 400 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1983, chapter 80, section 1, is amended by adding thereto the following subsection:

(3) Subsection (1) does not prohibit the following:

Exceptions

1. The disclosure of information by the young person concerned.
2. The disclosure of information by the young person's parent or lawyer, for the purpose of protecting the young person's interests.
3. The disclosure of information by a police officer, for the purpose of investigating an offence which the young person is suspected of having committed.
4. The disclosure of information to an insurer, to enable the insurer to investigate a claim arising out of an offence committed or alleged to have been committed by the young person.
5. The disclosure of information in the course of the administration of justice, but not for the purpose of making the information known in the community.
6. The disclosure of information by a person or member of a class of persons prescribed by the regulations, for a purpose prescribed by the regulations.

2. Subsection 194a (2) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, as

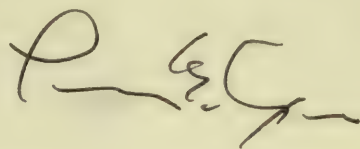
enacted by the Statutes of Ontario, 1985, chapter 13, section 17, is repealed.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Provincial Offences and Highway Traffic Amendment Act, 1989*.

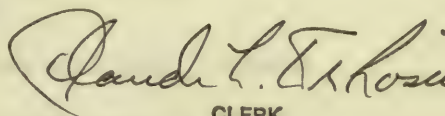


Bill 194

*(Chapter 48
Statutes of Ontario, 1989)*

An Act to restrict Smoking in Workplaces

The Hon. G. Sorbara
Minister of Labour



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	November 30th, 1988
<i>2nd Reading</i>	March 2nd, 1989
<i>3rd Reading</i>	July 26th, 1989
<i>Royal Assent</i>	July 26th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 194

1989

An Act to restrict Smoking in Workplaces

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“employee” includes a person whose services are contracted for by an employer;

“employer” means a person who employs one or more employees or who contracts for the services of one or more persons;

“enclosed workplace” means an enclosed building or structure in which an employee works and includes a shaft, tunnel, caisson or similar enclosed space;

“smoking” includes carrying a lighted cigar, cigarette or pipe and “smoke” has a corresponding meaning.

2.—(1) No person shall smoke in an enclosed workplace.

Prohibition

(2) Subsection (1) does not apply so as to prohibit smoking,

Exception

(a) in a smoking area designated by an employer under subsection 3 (1);

(b) in an area used primarily by the public;

(c) in an area used primarily for lodging; or

(d) in a private dwelling.

3.—(1) An employer may designate one or more locations in an enclosed workplace as smoking areas.

Designated smoking areas

(2) The total space for designated smoking areas at an enclosed workplace shall not exceed 25 per cent of the total

Maximum area permitted

floor area of the enclosed workplace, exclusive of the places described in clauses 2 (2) (b), (c) and (d).

Consultation
required

(3) An employer shall consult with the joint health and safety committee or the health and safety representative, if any, at the workplace before establishing a designated smoking area.

Definitions

(4) In subsection (3),

R.S.O. 1980,
c. 321

“health and safety representative” means a health and safety representative selected under the *Occupational Health and Safety Act*;

“joint health and safety committee” means a joint health and safety committee established under section 8 of the *Occupational Health and Safety Act* or a similar committee or arrangement, program or system in which employees participate.

Signs
required

4.—(1) An employer shall post and keep posted such signs as may be prescribed respecting smoking in a workplace.

Idem

(2) An employer shall post signs that identify designated smoking areas in a workplace.

Obligation of
employer

5.—(1) An employer shall make every reasonable effort to ensure that no person contravenes subsection 2 (1).

Idem

(2) An employer shall make every reasonable effort to accommodate employees who request that they work in a place separate from a designated smoking area.

Inspection
and
enforcement

6.—(1) An inspector appointed under the *Occupational Health and Safety Act* may inspect enclosed workplaces to determine whether this Act is being complied with.

Powers of
inspector

(2) For the purpose of subsection (1), an inspector,

- (a) may enter an enclosed workplace, other than a private dwelling, at any time without warrant or notice;
- (b) may require the production of any drawings, specifications or floor plans for an enclosed workplace, other than a private dwelling, and may inspect, examine and copy them; and
- (c) may make inquiries of any person who is or was in a workplace.

(3) No person shall hinder, obstruct or interfere with an employer in the execution of the inspector's duties under this section. Obstruction

7.—(1) If an inspector finds that an employer is not complying with section 4 or 5, the inspector may order the employer or a person whom the inspector believes to be in charge of the workplace to comply with the provision and may require the order to be carried out forthwith or within such period of time as the inspector specifies. Orders by inspectors

(2) An order made under subsection (1) shall indicate generally the nature and, when appropriate, the location of the non-compliance. Contents of order

(3) An inspector is not required to hold or afford to an employer or another person an opportunity for a hearing before making an order under subsection (1). No hearing required before making order

(4) An order under subsection (1) may be appealed. Appeals from order of an inspector

(5) Section 32 of the *Occupational Health and Safety Act* applies with necessary modifications to an appeal of an order under subsection (1). Idem R.S.O. 1980, c. 321

8.—(1) No employer or person acting on behalf of an employer, Prohibition

(a) shall dismiss or threaten to dismiss an employee;

(b) shall discipline or suspend an employee or threaten to do so;

(c) shall impose a penalty upon an employee; or

(d) shall intimidate or coerce an employee,

because the employee has acted in accordance with or has sought the enforcement of this Act.

(2) Subsections 24 (2) to (8) of the *Occupational Health and Safety Act* apply with necessary modifications when an employee complains that subsection (1) has been contravened. Application of R.S.O. 1980, c. 321

9.—(1) Every person who contravenes subsection 2 (1) or (3) is guilty of an offence. Offence

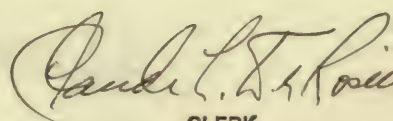
Idem	(2) Every employer who fails to comply with section 4 or 5 or an order made under subsection 7 (1) or who contravenes subsection 8 (1) is guilty of an offence.
Derivative	(3) Every person who causes, authorizes, permits or participates in an offence under subsection (2) is guilty of an offence.
Penalty	(4) On conviction of an offence, (a) every person who is not an employer is liable to a fine of not more than \$500; and (b) every employer is liable to a fine of not more than \$25,000.
Regulations	10. The Lieutenant Governor in Council may make regulations prescribing signs and providing for their use.
Conflict with other Acts, etc.	11.— (1) In the event of conflict between this Act and another Act or a regulation or a municipal by-law respecting smoking in a workplace, the provision that is the most restrictive of smoking prevails.
Municipal by-laws	(2) Nothing in this Act prevents a municipality from passing by-laws respecting smoking in workplaces.
Rights of employers, employees	(3) Nothing in this Act derogates from the right of an employer to prohibit smoking in a workplace or from the rights of an employee to a smoke-free workplace.
Binding on the Crown	12. This Act binds the Crown.
Commencement	13. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
Short title	14. The short title of this Act is the <i>Smoking in the Workplace Act, 1989</i> .

Bill 200

*(Chapter 26
Statutes of Ontario, 1989)*

An Act to confirm a certain Agreement between the Governments of Canada and Ontario

The Hon. I. Scott
Minister Responsible for Native Affairs



**CLERK
LEGISLATIVE ASSEMBLY**

<i>1st Reading</i>	December 15th, 1988
<i>2nd Reading</i>	June 14th, 1989
<i>3rd Reading</i>	June 19th, 1989
<i>Royal Assent</i>	June 20th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

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Bill 200

1989

An Act to confirm a certain Agreement between the Governments of Canada and Ontario

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The 1986 Indian Lands Agreement, reproduced as Schedule A, is hereby confirmed. Agreement confirmed
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. The short title of this Act is the *Indian Lands Agreement Confirmation Act, 1989*. Short title

SCHEDULE A

Memorandum of Agreement made this 5th day of August, 1986.

Between:

THE GOVERNMENT OF CANADA as represented by the Minister of Indian and Northern Affairs for Canada (hereinafter referred to as Canada)

—and—

THE GOVERNMENT OF THE PROVINCE OF ONTARIO as represented by the Minister of Natural Resources for the Province of Ontario (hereinafter referred to as Ontario)

This agreement witnesseth that the parties hereto have agreed as follows:

1. Definitions

- (a) "Band", "Council of the Band", "Surrender", "Custom" and "Indian" have the same meaning as those words in the *Indian Act*, R.S.C. 1970, c. I-6, as the same may be amended from time to time;
- (b) "land" includes any interest in land;
- (c) "minerals" includes gold, silver and all other metals, precious and base, and coal, natural gas, oil, salt, sand and gravel;

- (d) "1924 Agreement" means the agreement between Canada and Ontario dated March 24, 1924, and the statutes confirming it, i.e., Statutes of Canada, 14-15 George V, chapter 48, and Statutes of Ontario, 14 George V, chapter 15.

2. Ontario, Canada, and any band or group of bands may enter into specific agreements. Any one or more Bands may enter into one or more specific agreements.

3. A specific agreement may be entered into with respect to any matter or question relating to lands or natural resources, including any of the following:

- (a) any matter dealt with in the 1924 Agreement;
- (b) administration and control;
- (c) the exercise, allocation or transfer or disposal of any interests in lands or natural resources;
- (d) minerals, mineral rights and royalties, and the disposition or taxation of any of them;
- (e) hydro powers;
- (f) disposition of lands or natural resources;
- (g) consequences of extinction or enfranchisement of a band;
- (h) disposition of any monies;
- (i) the non-applicability of any provision or provisions of the 1924 Agreement;
- (j) any other provision required for the implementation of a specific agreement.

4. The provisions of any specific agreement shall have effect upon confirmation. In the event of any inconsistency with the 1924 Agreement, the specific agreement shall supercede.

5. Neither this Agreement nor any specific agreement shall affect the validity of any treaty or surrender.

6. Canada and Ontario may enter into an agreement or agreements for the confirmation of patents issued or other dispositions of land by the other with respect to land, but no such agreement or confirmation shall in any way affect the rights of any band or the recourse which any band would, absent such agreement, have against any person or land, including the Crown and Crown lands.

7. If Canada has collected money or collects money on behalf of any band or bands pursuant to sales or other dispositions of land or interests in land, Ontario acknowledges that Canada may continue to administer that money for the use and benefit of the band or bands, but in no case shall money collected by Canada expressly on behalf of Ontario be deemed to be money collected by Canada on behalf of a band or bands.

8. This Agreement shall come into force when it is confirmed by the Parliament of Canada and the Legislature of Ontario and such confirmations come into force.

9. A specific agreement shall come into force when it is confirmed by Orders-in-Council of both Canada and Ontario and is confirmed by the band.

10. Confirmation by a band of a specific agreement shall take place:

- (a) by a Referendum conducted pursuant to regulations made by the Governor General-in-Council under the authority of the Act of Parliament implementing this Agreement; or
- (b) pursuant to the band's custom or constitution, provided that the Council of the band gives written notification to the Minister of Indian Affairs and Northern Development and to the Minister of Natural Resources for Ontario that confirmation took place pursuant to the band's custom or constitution, as the case may be.

11. Where a specific agreement affects or deals with lands, lands affected shall be described in a schedule to the specific agreement.

12. No specific agreement entered into by any band shall be binding upon any other band or have any effect on any other band unless it has been confirmed by that other band.

13. A specific agreement may be amended by the parties or their successors in the same manner as it was originally made.

IN WITNESS WHEREOF the said parties hereto have set their hands and seals.

SIGNED, SEALED AND DELIVERED
in the presence of

P. Francoeur
as to the execution of

Minister of Indian and
Northern Affairs

Bill McKnight
Minister of Indian and
Northern Affairs for
Canada

Adair Ireland-Smith
as to the execution of

Minister of Natural
Resources

Vincent G. Kerrio
Minister of Natural
Resources for the
Province of Ontario

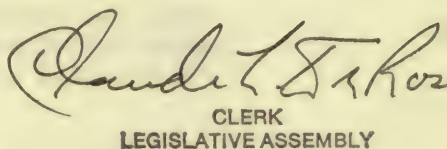


Bill 201

*(Chapter 43
Statutes of Ontario, 1989)*

An Act to amend the Municipal Act

The Hon. J. Eakins
Minister of Municipal Affairs



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	January 12th, 1989
<i>2nd Reading</i>	June 21st, 1989
<i>3rd Reading</i>	July 13th, 1989
<i>Royal Assent</i>	July 13th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 201

1989

An Act to amend the Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

209a.—(1) In this section,

Definitions

“municipality” means a municipality as defined in the *Municipal Affairs Act*, and a metropolitan, regional or district municipality and the County of Oxford or a local board of a metropolitan, regional or district municipality or of the County of Oxford;

R.S.O. 1980,
c. 303

“participating local municipality” means a local municipality to which a by-law passed under subsection (2) applies;

“waste” means ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse and such other wastes as may be designated by by-law passed by the council of a county;

“waste management plan” means a document adopted by the council of a county containing objectives and policies related to waste management powers and which may contain a description of the measures and procedures proposed to attain the objectives of the plan;

“waste management power” means any power conferred by any general or special Act on local municipalities or local boards thereof related to the collection, removal, disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste.

(2) The council of a county may pass a by-law to empower it to adopt a waste management plan or to assume any or all of the waste management powers, or both, for all the local

Waste
management
plan and
waste
management
powers

municipalities forming part of the county for municipal purposes.

Exemption

(3) The council of a county may, with the consent of the council of the local municipality, by by-law exempt that local municipality from a by-law under subsection (2) but the consent is not required in respect of a repeal of the by-law.

Voting
requirements
for approval

(4) No by-law under subsection (2) or (3) may be passed or repealed unless,

(a) at least two-thirds of all the votes on county council are cast in its favour; and

(b) at least one vote is cast in its favour by the majority of the local municipalities forming part of the county for municipal purposes.

Preparation
of plan

(5) The council of a county may provide for the preparation and adoption of a waste management plan for which it has passed a by-law under subsection (2) but no plan shall be adopted until notice of the proposed plan containing such information as may be prescribed is given in the manner and to the persons and agencies prescribed.

Conformity
to plan

(6) If a waste management plan is in effect, the county or local board thereof or the participating local municipalities or local boards thereof shall not undertake any waste management service or facility or pass a by-law for any purpose under a waste management power that does not generally conform to the plan.

Non-
conforming
undertakings,
preliminary
steps
permitted

(7) Notwithstanding subsection (6), the county or local board thereof or the participating local municipalities or local boards thereof may consider the undertaking of a waste management service or facility that does not conform with the waste management plan and for that purpose may apply for any approval that may be required, carry out investigations, obtain any reports or take other preliminary steps incidental to and reasonably necessary for the undertaking of the work.

Limitation

(8) Nothing in subsection (7) authorizes the actual undertaking of any waste management service or facility that does not conform with a waste management plan.

Effect of
by-law

(9) When a by-law passed under subsection (2) comes into effect,

(a) the county is responsible for the waste management powers assumed by the county in all participating local municipalities;

(b) the county has all the powers conferred by any general or special Act upon the participating local municipalities or local boards thereof related to the waste management powers assumed by the county.

(10) If a county has assumed the power for providing services or facilities for the collection, removal, disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste, no municipality under a similar or equivalent power, and no person, shall provide such services or facilities within the participating local municipalities without the consent of the council of the county, which consent may be given upon such terms and conditions, including the payment of compensation, as may be agreed upon.

County has
exclusive
jurisdiction

(11) Subsection (10) does not apply to prevent any person or municipality which does not form part of the county for municipal purposes or which is not a participating municipality from providing a waste management service or facility if that waste management service or facility was being lawfully provided on the effective date of the by-law, so long as that waste management service or facility continues without interruption.

Continuation
of waste
management
services

(12) If consent is refused under subsection (10) or the applicant and the council of the county fail to agree on the terms and conditions related to the consent, the applicant may appeal to the Municipal Board which shall hear and determine the matter.

Appeal to
O.M.B.
where
disagreement
or consent
denied

(13) The Municipal Board may impose such terms and conditions as it considers appropriate and the decision of the Municipal Board is final.

Terms

(14) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision made under subsection (13).

Non-
application of
R.S.O. 1980,
c. 347, s. 94

(15) All rights and obligations and all assets and liabilities of a participating local municipality or local board thereof pertaining to or primarily used in connection with the waste management powers assumed by the county are vested in the county and financial adjustments, calculated in accordance with such criteria as may be prescribed, shall be made between the county and the participating local municipality or local board thereof.

Transfer of
assets,
liabilities

Assumption
by county of
certain debts

(16) The county shall pay to the participating local municipality or local board thereof on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such participating local municipality or local board thereof in respect of the waste management powers assumed by the county.

Interest on
late payments

(17) If the county fails to make any payment required under subsection (16) on or before the due date, the participating local municipality or local board may charge the county interest at the rate of 15 per cent per annum, or such lower rate as the local municipality or local board determines, from such date until payment is made.

Transfer of
agreements
to county

(18) If a participating local municipality or local board thereof had entered into an agreement with another person or municipality in respect of the waste management power assumed by the county, the county shall be bound by the agreement and the participating local municipality or local board thereof is relieved of all liability under the agreement.

Agreements
respecting
waste
management

(19) The council of the county may enter into agreements with any person or municipality for establishing, constructing, operating or managing, at their joint expense and for their joint benefit, any waste management service or facility that is within the jurisdiction of the council as a result of the passage of the by-law under subsection (2).

Idem

(20) Where the county has passed a by-law under subsection (2) to empower it to adopt a waste management plan, the council of the county may enter into agreements with any municipality for developing, at their joint expense and for their joint benefit, joint objectives and policies for the provision of waste management services or facilities.

Collection of
waste
management
rates

(21) Notwithstanding section 368e, the council of a county may by by-law provide for imposing on and collecting from participating local municipalities in which it is providing waste management services or facilities, a waste management rate sufficient to pay the whole or such portion as the by-law may specify of the capital costs including debenture charges and expenditures for the maintenance and operation of the waste management services or facilities in the participating local municipalities and such rate may vary based on the volume, weight or class of waste or on any other basis the council of the county considers appropriate and specifies in the by-law.

Rates
constitute
debt of
county

(22) All rates under subsection (21) constitute a debt of the participating local municipality to the county and shall be pay-

able at such times and in such amounts as may be specified by by-law of the council of the county.

(23) Notwithstanding sections 368 and 368e, the participating local municipality may,

Payment and collection of rates

- (a) pay the whole or part of the amount chargeable to it under this section out of its general funds;
- (b) pass by-laws for imposing a rate sufficient to recover the whole or part of the amount chargeable to it under this section in the same manner as by-laws under paragraphs 85 and 86 of section 210 may be passed; and
- (c) include the whole or any part of an amount chargeable to it under this section as part of the cost of an urban service within an urban service area established in the participating local municipality under any general or special Act.

(24) If under a by-law passed under subsection (2) a county assumed the responsibility for providing services or facilities for the disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste, the council of the county may, for each participating local municipality, designate one or more services or facilities for the disposal, treatment, storage, processing, transfer, reduction, reuse, recovery or recycling of waste or any class or classes thereof and, where such a designation has been made, a participating local municipality shall not utilize any services or facilities except the services or facilities that have been so designated for that local municipality.

Designation and utilization of waste management facilities

(25) If a dispute arises in respect of the financial adjustments or the vesting of assets, including a reserve fund, under subsection (15), or the transfer of agreements under subsection (18), the county, participating local municipality or local board affected may apply to the Municipal Board for a resolution of the dispute and the Municipal Board has power to hear and determine the matter and its decision is final.

Dispute resolution

(26) Section 94 of the *Ontario Municipal Board Act* does not apply to a decision made under subsection (25).

Non-application of R.S.O. 1980, c. 347, s. 94

(27) The Lieutenant Governor in Council may make regulations,

Regulations

- (a) prescribing, for the purposes of subsection (5), the persons and agencies that are to be given notice, the

manner in which notice is to be given and the information that must be contained therein;

- (b) providing for the security of employment and the protection of benefits of employees affected by by-laws passed or repealed under this section;
- (c) prescribing the criteria for determining the amount of the financial adjustments payable under subsection (15) and for providing which body shall pay and which body shall receive the financial adjustments under that subsection;
- (d) establishing a dispute settlement mechanism that may be used to attempt to resolve a dispute described in subsection (25) before an application is made to the Municipal Board.

2. Subsection 368 (1) of the said Act is amended by adding at the commencement thereof "Subject to section 209a but".

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

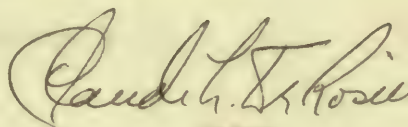
4. The short title of this Act is the *Municipal Amendment Act, 1989*.

Bill 204

(Chapter 53
Statutes of Ontario, 1989)

An Act to amend the Power Corporation Act

The Hon. L. McLeod
Minister of Energy



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	January 23rd, 1989
<i>2nd Reading</i>	June 14th, 1989
<i>3rd Reading</i>	October 16th, 1989
<i>Royal Assent</i>	October 16th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*



Bill 204

1989

An Act to amend the Power Corporation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of the *Power Corporation Act*, being chapter 384 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 16, section 1, is repealed and the following substituted therefor:

1.—(1) In this Act, unless the contrary intention appears, Definitions

“Board” means the board of directors of the Corporation;

“buildings” includes all buildings, structures and works that the Corporation may deem necessary for the purposes of this Act;

“chairperson” means the chairperson of the Board;

“Corporation” means the body corporate referred to in section 2;

“director” means a member of the Board;

“energy conservation program” means an energy conservation program under section 56a;

“heat energy” means energy that is conveyed in the medium of steam, hot water or hot air and that is produced for sale;

“land” means real property and includes tenements, hereditaments and appurtenances, and any estate, term, easement, right or interest in, to, over, under or affecting land;

“Minister” means the Minister of Energy;

“municipal corporation” means the corporation of a locality the inhabitants of which are incorporated and includes the

corporation of a metropolitan, regional or district municipality and The Corporation of the County of Oxford;

“owner” includes a mortgagee, lessee, tenant, occupant and any other person entitled to a limited estate or interest in land and a guardian, committee, executor, administrator or trustee in whom land is vested;

“power” means electrical power and includes electrical energy;

“prescribed” means prescribed by the regulations made under this Act;

“president” means the president of the Corporation;

“supply” includes delivery, dealing in, and sale;

“Treasurer of Ontario” means the Treasurer of Ontario and Minister of Economics;

“works” includes all roads, plant, machinery, buildings, erections, constructions, installations, materials, devices, fittings, apparatus, appliances, equipment and other property for the development, generation, transformation, transmission, conveying, distribution, supply or use of power.

Powers,
duties to be
exercised
from time to
time

(2) If a power is conferred or a duty is imposed on the Corporation or the Board, the power may be exercised and the duty shall be performed from time to time as occasion requires.

2.—(1) Subsection 3 (1) of the said Act is repealed and the following substituted therefor:

Composition
of Board

(1) There shall be a board of directors of the Corporation consisting of a chairperson, a vice-chairperson, a president and not more than fourteen other directors.

(2) Section 3 of the said Act is amended by adding thereto the following subsection:

Idem

(2a) The chairperson shall carry out the duties that are assigned to the chairperson by the Board.

(3) Subsection 3 (3) of the said Act is amended by striking out “two” in the fourth line.

(4) Section 3 of the said Act is further amended by adding thereto the following subsection:

(5a) The president shall be the chief executive officer of the Corporation. Chief executive officer

3. Subsection 4 (2) of the said Act is repealed and the following substituted therefor:

(2) Meetings of the Board shall be held at the call of the chairperson. Meetings of Board

(2a) The chairperson shall call at least one meeting of the Board in each calendar month and shall not allow more than six weeks to elapse between meetings of the Board. Frequency of meetings

4.—(1) Subsection 5 (2) of the said Act is repealed and the following substituted therefor:

(2) The Board may appoint a finance committee consisting of the chairperson, the vice-chairperson, the president and at least three other directors. Finance committee

(2) Section 5 of the said Act is amended by adding thereto the following subsections:

(4) The Board may delegate its powers under clause 17 (c) and sections 19, 51 and 55 and any prescribed powers to the finance committee. Delegation of powers

(5) The Board may appoint other committees and may delegate to other committees any of its powers other than those described in subsection (4). Other committees

(6) The Board may impose any restrictions on a delegation under subsection (4) or (5). Restrictions

(7) If all the directors present at or participating in the meeting consent, a meeting of directors or of a committee of directors may be held by means of such telephone, electronic or other communication facilities as permit all persons participating in the meeting to communicate with each other simultaneously and instantaneously, and a director participating in such a meeting by such means is deemed to be present at that meeting. Meetings by telephone, etc.

(8) A resolution in writing, signed by all the directors entitled to vote on that resolution at a meeting of directors or a committee of directors, is as valid as if it had been passed at a meeting of directors or a committee of directors. Resolutions in writing

Copy to be
kept

(9) A copy of every resolution passed under subsection (1) shall be kept with the minutes of the proceedings of the directors or committee of directors.

5. Subsection 6 (1) of the said Act is repealed.

6. Subsection 7 (5) of the said Act is repealed and the following substituted therefor:

Indemnifi-
cation of
directors, etc.
1982, c. 4

(5) Section 136 of the *Business Corporations Act, 1982* applies with necessary modifications to the Corporation as if it were a corporation incorporated under that Act.

Idem

(5a) Section 136 of that Act applies in respect of employees, former employees and their heirs and legal representatives in the same manner that it applies in respect of officers, former officers and their heirs and legal representatives.

7. Section 9 of the said Act is amended by adding thereto the following subsection:

Other reports

(2) The Corporation shall make such further reports and provide such further information to the Minister or the Treasurer of Ontario as required from time to time.

8. The said Act is amended by adding thereto the following sections:

Policy
statements

9a.—(1) The Minister may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to the Corporation's exercise of its powers and duties under this Act.

Corporation
to respect
policy
statements

(2) In exercising a power or duty under this Act, the Corporation shall respect any policy statement that relates to its exercise.

Board to
ensure
exercise
conforms to
statement

(3) In exercising a power or duty under this Act, the Board shall use its best efforts to ensure that such exercise broadly conforms to any policy statement that relates to its exercise, and shall report to the Minister whenever it does exercise a power or duty that relates to a policy statement.

Memorandum
of
understanding

9b.—(1) Within six months after the coming into force of this section and at least once in every three years thereafter, the Corporation and the Minister shall enter into a memorandum of understanding.

Contents of
memorandum

(2) The memorandum of understanding shall clearly set out,

- (a) the Corporation's accountability to the Minister;
- (b) the Corporation's reporting requirements to the Minister and to such other persons as are specified in the memorandum;
- (c) matters of government policy that the Corporation shall respect in the conduct of its affairs;
- (d) any other prescribed matter;
- (e) any other matter agreed to by the Corporation and the Minister.

(3) The Corporation shall comply with the memorandum of understanding in exercising its powers and duties under this Act. Corporation to comply

9c.—(1) The Corporation shall submit to the Minister any plans that the Minister may from time to time require. Submission of plans

(2) A plan submitted under subsection (1) shall be in the form and for the period required by the Minister. Form and content of plans

9d.—(1) The Minister, with the approval of the Lieutenant Governor in Council, may by order appoint one or more persons to conduct an inquiry concerning any matter to which this Act applies that is specified in the order. Commission of inquiry

(2) The persons appointed under subsection (1) have the powers of a commission under Part II of the *Public Inquiries Act*. Powers of persons conducting inquiry
R.S.O. 1980, c. 411

(3) The persons appointed under subsection (1) shall report the results of the inquiry to the Minister. Report

9. Section 12 of the said Act is amended by adding thereto the following subsection:

(2) Subsection (1) does not apply to the Pension and Insurance Fund of Ontario Hydro. Exception

10. Subsection 15 (1) of the said Act is amended by adding thereto the following clause:

- (c) the net proceeds resulting from related business ventures carried on by any of the Corporation's subsidiaries.

11. Subsection 19 (1) of the said Act is amended by adding thereto the following paragraph:

6. The prescribed securities, financial contract agreements and investments.

12.—(1) Subsection 20 (1) of the said Act is amended by striking out “regulations” in the sixth line and inserting in lieu thereof “rules”.

(2) Subsection 20 (3) of the said Act is amended by striking out “prescribed by the regulations” in the second and third lines and inserting in lieu thereof “provided for by the rules”.

(3) Clause 20 (5) (a) of the said Act is amended by striking out “regulations” in the fourth line and inserting in lieu thereof “rules”.

(4) Subsection 20 (7) of the said Act is repealed and the following substituted therefor:

Other
pension plans

(7) The Corporation may establish other pension plans in addition to the Ontario Hydro Pension and Insurance Plan.

Rules

(7a) The Corporation may make rules with respect to its pension plans, including rules,

- (a) setting out the class or classes of employees who are eligible to be members of a plan, the time at which membership shall commence and the period of time thereafter within which an employee may elect not to be a member of a plan;
- (b) providing for the payment out of the fund of the contributions made by any employee to the fund or to either of the funds superseded by the fund where the employee elects not to be a member of a plan;
- (c) setting out the period of employment with the Corporation alone, or with a previous or subsequent employer and the Corporation, that constitutes service for the purpose of determining pension benefits;
- (d) providing for the transfer from or to the fund of a pension entitlement and setting out the terms and conditions upon which pension benefits under a plan in respect of employment with a previous employer may be provided by the transfer to the fund of such a pension entitlement;

- (e) setting out the persons who may receive benefits under a plan;
- (f) setting out the contributions to the fund by employees and the rate or rates at which interest shall be calculated when payments are made out of the fund of any such contributions and of any contributions to either of the funds superseded by the fund;
- (g) setting out the amount for which any employee or pensioner shall be insured from time to time;
- (h) setting out the payments to be made from the fund or by an insurer, upon,
 - (i) termination of employment,
 - (ii) retirement from employment on pension,
 - (iii) disability, or
 - (iv) death,

and the terms and conditions upon which, and the person or persons to whom, such payments shall be made;

- (i) providing for payment out of the fund of the cost of any benefits provided under any agreement referred to in subsection (5);
- (j) setting out the intervals of time within which an actuarial valuation of the fund shall be made;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purposes of this section.

13. The said Act is further amended by adding thereto the following section:

21a.—(1) The Corporation, with the approval of the Lieutenant Governor in Council, may make regulations, Regulations

- (a) prescribing additional powers that may be delegated to the finance committee;
- (b) prescribing investments for the purposes of paragraph 6 of subsection 19 (1).

Idem

(2) The Lieutenant Governor in Council may make regulations prescribing other matters to be set out in a memorandum of understanding under section 9b.

Idem

(3) Notwithstanding anything to the contrary in the trade agreement entered into between the governments of Canada and the United States of America on the 2nd day of January, 1988 or any law of Canada implementing the agreement, the Lieutenant Governor in Council may by regulation,

- (a) authorize the Corporation to participate in one or more government programs relating to economic development and named in the regulation; and
- (b) prescribe the region or regions to which that authority extends, the manner in which that authority shall be exercised and the conditions to which that authority is subject.

14. Section 34 of the said Act is repealed and the following substituted therefor:

Compensation for damage

34.—(1) Where a power exercised under section 23 or 32 does not constitute an expropriation or injurious affection, compensation shall be paid to the owner for all damage to property resulting from the exercise of the power.

Application of R.S.O. 1980, c. 148

(2) The *Expropriations Act* applies with necessary modifications to the exercise of a power under subsection (1) as if it constituted injurious affection.

Limitation

(3) Where the lines or works of the Corporation are situated upon the King's Highway or any other highway, compensation for felling or removing trees or branches of trees is payable under subsection (1) only to the extent to which it is payable by a municipality under section 313 of the *Municipal Act*.

R.S.O. 1980, c. 302

15. Subsection 35 (2) of the said Act is repealed and the following substituted therefor:

Effect of failure to give notice

(2) Where a claimant fails to give or gives insufficient notice of a claim within the period required by subsection (1), either the Corporation or the owner may request the board of negotiation under the *Expropriations Act* to attend and investigate the damage complained of.

R.S.O. 1980, c. 148

Idem

(3) The board of negotiation may award such compensation as appears to it to be just if it is satisfied that,

- (a) there was reasonable excuse for the failure to give or the insufficiency of the notice; and
- (b) the Corporation was not thereby prejudiced.

(4) A finding of the board of negotiation under subsection (3) is final and binding upon the owner and the Corporation. Idem

16. The said Act is further amended by adding thereto the following section:

37a.—(1) The Corporation may purchase the residential premises owned and occupied by an employee or officer of the Corporation if employment by the Corporation obliges the employee or officer to reside in a new location. Homes of transferred employees

(2) The Corporation may sell or lease residential premises acquired under subsection (1). Idem

(3) Notwithstanding section 46, a residential premises purchased by the Corporation under this section is liable to assessment and taxation as if it were owned by any other person. Premises subject to municipal taxation

17. Subsection 40 (10) of the said Act is amended by striking out “or of the Divisional Court, such order is final” in the ninth line and inserting in lieu thereof “to be benefitted by such works or improvements”.

18. Section 42 of the said Act is repealed and the following substituted therefor:

42.—(1) In this section, “right” means any right, interest, way, privilege, permit or easement. Definition

(2) Notwithstanding any other Act, where any right has heretofore been or is hereafter acquired by the Corporation, in, through, over, under, along, upon, across or affecting any land, unless it is otherwise agreed, the land continues subject to the right for the term thereof and it is binding upon the owner at the time of acquisition and all subsequent owners of the land until expiration or release by the Corporation. Continuance of right

(3) Where a right mentioned in subsection (1) has heretofore been or is hereafter assigned by the Corporation to a municipal corporation or a commission established or deemed to be established under Part III of the *Public Utilities Act*, unless it is otherwise agreed, the land continues subject to the right for the term of the assignment and the right continues to Transfer of easements, etc., to commission
R.S.O. 1980, c. 423

bind all owners of the land until expiration or release by the municipal corporation or commission.

Information

(4) The Corporation, a municipal corporation or a commission mentioned in subsection (3), upon the request of a person intending to acquire an estate or interest in any land, shall make a search of its records and inform the person as to whether or not it has a right that relates to the land that is not registered under the *Land Titles Act* or the *Registry Act*.

R.S.O. 1980,
cc. 230, 445

Idem

(5) Where the Corporation, municipal corporation or commission informs the person that it has a right mentioned in subsection (4), it shall also inform the person as to the term and extent of the right.

Time

(6) The Corporation, municipal corporation or commission shall provide the information mentioned in subsections (4) and (5) not later than twenty-one days after the date on which it receives the request for the information.

Compensation

(7) A person who suffers loss or damage due to the failure of the Corporation, municipal corporation or commission to comply with subsections (4) to (6) is entitled to compensation for the loss or damage from the Corporation, municipal corporation or commission, as the case may be.

Application
of
R.S.O. 1980,
c. 148

(8) The *Expropriations Act* applies with necessary modifications to a claim for compensation under subsection (7) as if it constituted injurious affection and, for the purpose,

(a) a reference to the statutory authority shall be deemed to be a reference to the Corporation, municipal corporation or the commission, as the case requires; and

(b) a reference to the owner shall be deemed to be a reference to the person mentioned in subsection (4).

Application
of subss.(4-8)

(9) Subsections (4) to (8) do not apply where works of the Corporation, municipal corporation or commission are visible on the land that is subject to the right.

19. Subsection 44 (1) of the said Act is amended by striking out “not less than \$5 and not more than \$10” in the fifth and sixth lines and inserting in lieu thereof “not more than \$200”.

20.—(1) Subsections 51 (1) and (2) of the said Act are repealed and the following substituted therefor:

(1) In this section, “securities” means notes, discount notes, bonds, debentures and other securities. Definition

(1a) Subject to the approval of the Lieutenant Governor in Council, the Corporation may, General borrowing powers

- (a) borrow from time to time such sums of money as it may consider requisite for any of its purposes;
- (b) for the purpose of such borrowing, issue securities bearing no interest or bearing interest at such rate or rates as the Corporation may determine at the time of issue;
- (c) determine the time or times, the manner, the place or places in Canada or elsewhere and the currency of such country or countries in which the principal, interest if any and premium if any are payable; and
- (d) determine at the time of their issue the time or times, the price or prices and the manner, either with or without premium, that such securities are redeemable in advance of maturity.

(2) The Corporation, without any further approval of the Lieutenant Governor in Council, may from time to time authorize the issue of securities if, Idem

- (a) it has by resolution passed and approved under subsection (1a) authorized the borrowing of money by the issue from time to time of securities maturing not later than five years from the respective dates of issue and bearing interest, if any, at a rate or rates not exceeding the maximum rate of interest specified in the resolution;
- (b) the securities are within the maximum principal amount prescribed by the resolution;
- (c) the securities bear such respective dates of issue and mature not later than five years from those dates; and
- (d) the securities bear interest, if any, at such respective rates not exceeding the said maximum interest if any.

(2) Clause 51 (3) (b) of the said Act is amended by inserting after “notes” in the first line “discount notes”.

(3) Clause 51 (3) (d) of the said Act is amended by inserting after "notes" in the second line "discount notes".

(4) Subsection 51 (5) of the said Act is amended by inserting after "notes" in the second line "discount notes".

(5) Subsection 51 (7) of the said Act is amended by inserting after "notes" in the third line "discount notes".

(6) Subsection 51 (8) of the said Act is amended by inserting after "notes" in the first line "discount notes".

21.—(1) Subsection 53 (1) of the said Act is repealed and the following substituted therefor:

Guaranteeing
bonds of
Corporation

(1) The Lieutenant Governor in Council is authorized, on such terms as are approved by order in council, to guarantee the payment of the principal, interest and premium of any notes, discount notes, bonds, debentures or other securities issued by the Corporation.

Form and
manner

(1a) Any such guarantee shall be in the form and manner approved by the Lieutenant Governor in Council.

Signing

(1b) A guarantee shall be signed by the Treasurer of Ontario or the Deputy Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council.

After
signature,
Province is
liable

(1c) After a guarantee is so signed, the Province of Ontario becomes liable for the payment of the principal, interest and premium of the notes, discount notes, bonds, debentures or other securities as provided in the guarantee.

Payment
authorized

(1d) The Lieutenant Governor in Council is authorized to make arrangements for supplying the money necessary to fulfil the requirements of a guarantee and to advance the money necessary for that purpose out of the Consolidated Revenue Fund.

Conclusive
evidence

(1e) Any guarantee signed in accordance with subsection (1b) is conclusive evidence of the guarantee.

(2) Subsection 53 (2) of the said Act is amended by inserting after "notes" in the ninth line and in the thirteenth line "discount notes".

22. Subsection 55 (2) of the said Act is amended by inserting after "notes" in the second line "discount notes".

23. Section 56 of the said Act is amended by adding thereto the following subsections:

(2) Clauses 23 (1) (c), (f), (o), (p) and (v) and sections 279, 280, 281 and 282 of the *Corporations Act* apply with necessary modifications to the Corporation in carrying out its purposes and business.

Incidental
powers
R.S.O. 1980,
c. 95

(3) Subject to the approval of the Lieutenant Governor in Council, the Corporation may exercise the powers set out in clauses 23 (1) (a), (b), (d), (e) and (h) of the *Corporations Act* in carrying out its purposes and business.

Idem

24. Subsection 56a (3) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 16, section 3, is amended by adding thereto the following paragraphs:

5. The reduction of electrical energy use through more efficient use of electricity.

6. The shifting of electrical loads from times of high demand to times of lower demand.

25.—(1) Subsection 56b (1) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 16, section 3, is amended by inserting after “money” in the second line “and provide such incentives and technical assistance”.

(2) Subsection 56b (2) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 16, section 3, is amended by inserting after “loan” in the first line “or incentive or assistance”.

(3) Subsection 56b (3) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 16, section 3, is amended by inserting after “money” in the first line “or provide incentives or assistance”.

26. The said Act is further amended by adding thereto the following section:

56h.—(1) In this section, “parallel generation” means the generation of power from equipment that is neither owned nor operated by the Corporation and that is directly or indirectly connected to a power distribution or transmission system of the Corporation.

Definition

(2) The purposes and business of the Corporation include the encouragement of parallel generation.

Parallel
generation

Loans, etc.,
for parallel
generation

(3) The Corporation may loan such money and provide such incentives and technical assistance as the Corporation determines appropriate for the encouragement of parallel generation.

Terms and
conditions

(4) A loan or incentive or assistance under this section may be made upon such terms and conditions, including terms and conditions in respect of certification of work, security, repayment, costs of recovery and interest, as the Corporation determines.

27. Subsection 57 (1) of the said Act is repealed and the following substituted therefor:

Corporation
may
purchase,
lease, sell
supplies

(1) The Corporation may purchase or lease such electrical, hydraulic or other machinery, appliances, apparatus and furnishings as may be used in the transmission, distribution, supply or use of power and may sell or dispose of any such thing that it owns.

28. The said Act is further amended by adding thereto the following section:

Definition

59a.—(1) In this section, “related business venture” means a business venture to assist the Corporation in carrying out its purposes, a business venture through which the Corporation can market its products or expertise or any other business venture related to the matters it is authorized to carry on under sections 23, 56, 56d, 56g and 57.

Related
business
ventures

(2) Subject to the approval of the Lieutenant Governor in Council, the Corporation may,

- (a) carry on related business ventures within and outside Ontario; and
- (b) for the purpose may acquire by purchase or otherwise shares or stock in a corporation or the securities of a corporation or may incorporate a corporation to carry on such ventures.

Restriction

(3) A corporation whose shares, stock or securities are acquired under subsection (2) or that is incorporated under subsection (2) shall not carry on an activity for which the Corporation is required to obtain the approval of the Lieutenant Governor in Council without obtaining the approval of the Lieutenant Governor in Council.

29.—(1) Section 62 of the said Act is amended by striking out “not in excess of 9 per cent per annum” in the fifth and sixth lines.

(2) The said section 62 is further amended by adding thereto the following subsection:

(2) The rate of interest under subsection (1) shall not exceed a rate equal to the average borrowing rate for funds borrowed in Canadian dollars by the Corporation for a term not exceeding one year in the quarter preceding the date the payment went into arrears. Rate of interest

30. Section 69 of the said Act is amended by adding thereto the following subsections:

(1a) The Corporation may exercise the discretion under subsection (1) in respect of a proposed contract for supplying power outside Canada only if, Restriction

(a) that supply of power is surplus to the reasonably foreseeable power requirements of Ontario and other customers in Canada; and

(b) the price to be charged for that supply of power will recover the appropriate share of the costs incurred in Ontario and be more than the price charged to customers in Canada for equivalent service.

(1b) The Board shall ensure that the requirements for power of Ontario customers and any requirements for power under contracts with other customers in Canada are met before meeting the requirements for power of any customer outside Canada. Idem

(1c) Subsections (1a) and (1b) apply notwithstanding anything to the contrary in the trade agreement entered into between the governments of Canada and the United States of America on the 2nd day of January, 1988 or any law of Canada implementing the agreement. Idem

31.—(1) Section 78 of the said Act is amended by striking out “interest at the rate of 4 per cent per year” in the seventh and eighth lines and inserting in lieu thereof “on an annual basis interest calculated under subsection (2)”.

(2) The said section 78 is further amended by adding thereto the following subsection:

Calculation
of interest

(2) Interest under subsection (1) shall be calculated by determining the average borrowing rate for funds borrowed in Canadian dollars by the Corporation for a term not exceeding one year in the quarter preceding the beginning of the year for which the interest is calculated.

32. Section 90 of the said Act is amended by adding thereto the following subsections:

Reasonable
security

(2) The Corporation may require any customer in the rural power district to give reasonable security for the payment of its rates and charges,

- (a) before supplying power to the customer;
- (b) as a condition of continuing such supply; or
- (c) before performing any work or providing any service for the purpose of such supply.

Power to
shut off
supply

(3) In default of payment, the Corporation may shut off the supply of power but the rates or charges in default are, nevertheless, recoverable.

33.—(1) Subsection 92 (1) of the said Act is amended by inserting after “which” in the eighth line “a committee of”.

(2) Section 92 of the said Act is amended by adding thereto the following subsection:

Committee

(1a) The committee shall consist of the chairperson and at least two other directors appointed by the chairperson.

(3) Subsection 92 (2) of the said Act is amended by striking out “Board” in the first line and inserting in lieu thereof “committee”.

(4) The said section 92 is further amended by adding thereto the following subsection:

Decision of
Board

(3) A decision of the committee shall be deemed to be a decision of the Board.

34.—(1) Subsection 93 (1) of the said Act is amended by adding thereto the following clauses:

- (e) adopting by reference, in whole or in part, with such changes as the Corporation with the approval of the Lieutenant Governor in Council considers necessary, any code or standard and requiring

compliance with any code or standard that is so adopted;

- (f) requiring compliance with any code or standard under a rule or by-law of a municipal corporation or commission or under a rule of a person supplying power to such works.

(2) Subsection 93 (11) of the said Act is repealed and the following substituted therefor:

(11) Every municipal or other corporation or commission, and every company, firm or individual,

Offences

- (a) hindering, molesting, disturbing or interfering with an inspector or other employee in the performance of the inspector's or employee's duty under this section is guilty of an offence and on conviction is liable to a fine of not more than \$500 for each offence;
- (b) refusing or neglecting to comply with this section, or with any regulation, plan or specification made under its authority is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 for each offence;
- (c) refusing or neglecting to comply with an order issued by the Corporation under subsection (5) is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 and a further fine of not more than \$500 for each day upon which such refusal or neglect is repeated or continued.

35. Subsection 95 (2) of the said Act is amended by striking out "having a population of less than 200,000" in the fifth and sixth lines.

36. The said Act is further amended by striking out "chairman" wherever it appears and inserting in lieu thereof in each instance "chairperson" and by striking out "vice-chairman" wherever it appears and inserting in lieu thereof in each instance "vice-chairperson".

37. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment

38. The short title of this Act is the *Power Corporation Amendment Act, 1989*.

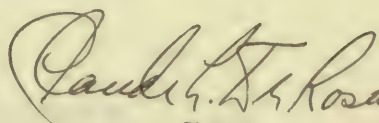
Short title

Bill 205

(Chapter 27
Statutes of Ontario, 1989)

An Act to amend the Amusement Devices Act, 1986

The Hon. W. Wrye
Minister of Consumer and Commercial Relations



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	January 24th, 1989
<i>2nd Reading</i>	May 16th, 1989
<i>3rd Reading</i>	June 19th, 1989
<i>Royal Assent</i>	June 20th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

1914
COLUMBIA UNIVERSITY

Bill 205

1989

**An Act to amend the
Amusement Devices Act, 1986**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of the *Amusement Devices Act, 1986*, being chapter 6, is amended by adding thereto the following subsection:

(4) No person shall behave in or on an amusement device or do any work on an amusement device in such manner as to, Dangerous
behaviour

(a) impair the safe operation of the device; or

(b) endanger any person.

2. Section 10 of the said Act is amended by adding thereto the following subsection:

(2a) An inspector designated under subsection (1), Idem

(a) may require that a part of an amusement device be sealed to prevent readjustment thereof; and

(b) if there is reasonable grounds to believe that an amusement device can not or will not be operated safely, may require the licensee of the device to conduct, at the licensee's expense, such tests as the inspector may specify.

3.—(1) Subsection 12 (1) of the said Act is repealed and the following substituted therefor:

(1) An inspector who has reason to believe that an amusement device, Order not
to use

(a) is not being or can not be operated safely;

(b) will be operated unsafely; or

(c) is being operated other than in accordance with a permit,

shall order that the device not be operated or used and shall affix a seal thereto.

(2) Subsection 12 (2) of the said Act is amended by adding at the end thereof "or that the device will be operated in accordance with a permit, as the case may be".

4. The said Act is amended by adding thereto the following section:

Where
contravention

12a.—(1) An inspector who has reason to believe that there is a contravention of this Act or the regulations that does not present an immediate hazard may serve the contravener or a person who has the authority to correct the contravention with a written order directing that the deficiency be corrected within the time specified in the order.

Idem

(2) Any person who receives an order under subsection (1) and complies with the order is not guilty of an offence in respect of the contravention that was the subject-matter of the order.

5. Subsection 13 (1) of the said Act is repealed and the following substituted therefor:

Appeal

(1) Any person affected by an order of an inspector may appeal at any time to the Director.

6. Subsections 16 (1) and (2) of the said Act are repealed and the following substituted therefor:

Notification
of accident,
etc.

(1) If an accident or an incident occurs in connection with an amusement device that results in the death of or serious injury to any person, the licensee responsible for the device shall immediately notify the Director of the accident or incident.

Idem

(2) Every licensee responsible for an amusement device that is involved in an accident or in any incident indicating that the device is potentially dangerous shall notify the Director, by telephone, within twenty-four hours after the accident or incident and shall submit to the Director, within seven days after the accident or incident, a written report setting out the particulars of the accident or incident.

7.—(1) Subsection 17 (1) of the said Act is amended by inserting after “regulations” in the second line “or who fails to comply with an order of an inspector”.

(2) Section 17 of the said Act is amended by adding thereto the following subsection:

(3) No proceedings under this Act may be commenced after one year after the date when the subject-matter occurred or is alleged to have occurred. Time limit

8.—(1) Subsection 18 (1) of the said Act is amended by adding thereto the following clauses:

- (ma) prescribing the circumstances under which expenses or special fees, or both, are to be paid and prescribing the special fees and designating the persons by whom such expenses or fees are to be paid;
- (mb) classifying inspections and prescribing the fees to be paid for inspections or witnessing tests by inspectors and prescribing by whom the fees shall be paid.

(2) Subsection 18 (4) of the said Act is repealed and the following substituted therefor:

(4) The Director may allow a variance from any regulation to accommodate technological problems or advances if, in the opinion of the Director, the variance would not detrimentally affect the safe use of the amusement device involved. Variance by
Director

9. This Act comes into force on the day it receives Royal Assent. Commence-
ment


10. The short title of this Act is the *Amusement Devices Amendment Act, 1989*. Short title

Bill 206

(Chapter 28
Statutes of Ontario, 1989)

An Act to amend the Elevating Devices Act

The Hon. W. Wrye
Minister of Consumer and Commercial Relations


CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	January 24th, 1989
<i>2nd Reading</i>	May 16th, 1989
<i>3rd Reading</i>	June 19th, 1989
<i>Royal Assent</i>	June 20th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 206

1989

An Act to amend the Elevating Devices Act

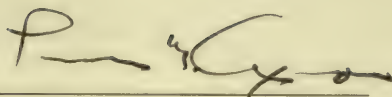
HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 30 of the *Elevating Devices Act*, being chapter 135 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(3) No proceedings under this Act may be commenced after one year after the date when the subject-matter occurred or is alleged to have occurred. Time limit

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. The short title of this Act is the *Elevating Devices Amendment Act, 1989*. Short title

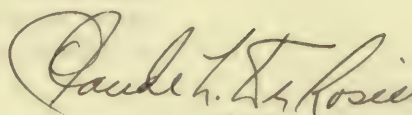


Bill 207

(Chapter 29
Statutes of Ontario, 1989)

An Act to amend the Energy Act

The Hon. W. Wrye
Minister of Consumer and Commercial Relations



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	January 24th, 1989
<i>2nd Reading</i>	May 16th, 1989
<i>3rd Reading</i>	June 19th, 1989
<i>Royal Assent</i>	June 20th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

MEMO

TO: [illegible]
FROM: [illegible]

Subject: [illegible]

Date: [illegible]

Reference: [illegible]

Very truly yours,
[illegible]

[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

[illegible]
[illegible]

Bill 207

1989

An Act to amend the Energy Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 28 (1) of the *Energy Act*, being chapter 139 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clause:

(na) designating persons or classes of persons empowered to administer any code or standard adopted under subsection (2) and delegating to the designated persons or classes the authority to administer any code or standard adopted.

(2) Section 28 of the said Act is amended by adding thereto the following subsections:

(4) The Director may allow a variance from any code adopted under the regulations or any provision in the regulations where, in the Director's opinion, the variance would not detrimentally affect the safety of the appliance, pipeline or work.

Variance by
Director

(5) The Director may authorize the use of a new code or standard or changes to established codes or standards necessary to accommodate technological advances for a limited time and subject to any conditions specified.

Use of new
codes, etc.

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Energy Amendment Act*, 1989.

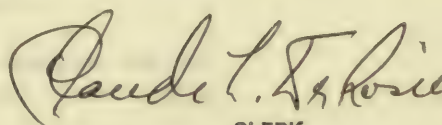
Short title

Bill 208

(Chapter 7
Statutes of Ontario, 1990)

An Act to amend the Occupational Health and Safety Act and the Workers' Compensation Act

The Hon. G. Phillips
Minister of Labour



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	January 24th, 1989
<i>2nd Reading</i>	October 23rd, 1989
<i>3rd Reading</i>	June 19th, 1990
<i>Royal Assent</i>	June 21st, 1990

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 208

1989

**An Act to amend the
Occupational Health and Safety Act
and the Workers' Compensation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of the *Occupational Health and Safety Act*, being chapter 321 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1986, chapter 64, section 44 and 1987, chapter 29, section 1, is further amended by renumbering paragraph 1 as paragraph 1b and by adding thereto the following paragraphs:

1. “adjudicator” means the occupational health and safety adjudicator appointed under subsection 10g (1);
- 1a. “Agency” means the Workplace Health and Safety Agency established under section 10;
- 1aa. “certified member” means a committee member who is certified by the Agency under clause 10c (1) (c).

(2) Paragraph 3 of the said section 1 is amended by adding at the end thereof “but does not include any work or undertaking underground in a mine”.

(3) The said section 1 is further amended by adding thereto the following paragraph:

- 14a. “licensee” means a person who holds a logging licence under the *Crown Timber Act*.

R.S.O. 1980,
c. 109

(4) Paragraph 15 of the said section 1 is amended by inserting after “logs” in the fourth line “the maintenance of haul roads, scarification, the carrying out of planned burns, the practice of silviculture”.

(5) Subparagraph ii of paragraph 23 of the said section 1 is repealed.

(6) The said section 1 is further amended by adding thereto the following subsections:

Ship under
repair

(2) For the purposes of this Act and the regulations, a ship being manufactured or under repair shall be deemed to be a project.

Limitation

(3) An owner does not become a constructor by virtue only of the fact that the owner has engaged an architect, professional engineer or other person solely to oversee quality control at a project.

2. The said Act is amended by adding thereto the following section:

Self-
employed
persons

3a. Subsections 14 (1), clauses 15 (1) (c), (e), (f) and (g), subsection 20 (1) and sections 21, 22a, 22b, 22c, 22d, 22e, 22f, 25, 26, 28, 29, 29a, 30a, 31, 32, 33, 37, 38, 39 and 40, and the regulations in relation thereto, apply with necessary modifications to a self-employed person.

3.—(1) Subsections 7 (1) and (2) of the said Act are repealed and the following substituted therefor:

Mandatory
selection of
health and
safety
representative

(1) At a project or other work place where no committee is required under section 8 and where the number of workers regularly exceeds five, the constructor or employer shall cause the workers to select at least one health and safety representative from among the workers at the work place who do not exercise managerial functions.

Order
appointing
health and
safety
represent-
atives

(2) If no health and safety representative is required under subsection (1) and no committee is required under section 8 for a work place, the Minister may, by order in writing, require a constructor or employer to cause the workers to select one or more health and safety representatives from among the workers at the work place or part thereof who do not exercise managerial functions, and may provide in the order for the qualifications of such representatives.

(2) Subsection 7 (6) of the said Act is repealed and the following substituted therefor:

Inspections

(6) Unless otherwise required by the regulations or by an order by an inspector, a health and safety representative shall inspect the physical condition of the work place at least once a month.

(6a) If it is not practical to inspect the work place at least once a month, the health and safety representative shall inspect the physical condition of the work place at least once a year, inspecting at least a part of the work place in each month. Idem

(6b) The inspection required by subsection (6a) shall be undertaken in accordance with a schedule agreed upon by the constructor or employer and the health and safety representative. Schedule of inspections

(6c) The constructor, employer and workers shall provide a health and safety representative with such information and assistance as the member may require for the purpose of carrying out an inspection of the work place. Inspections

(3) Section 7 of the said Act is amended by adding thereto the following subsections:

(7a) A health and safety representative has the power, Powers of representative

(a) to obtain information from the constructor or employer concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a work place for the purpose of occupational health and safety;

(b) to be consulted about, and be present at the beginning of, testing referred to in clause (a) conducted in or about the work place if the representative believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid; and

(c) to obtain information from the constructor or employer respecting,

(i) the identification of potential or existing hazards of materials, processes or equipment, and

(ii) health and safety experience and work practices and standards in similar or other industries of which the constructor or employer has knowledge.

(7b) A constructor or employer who receives written recommendations from a health and safety representative shall respond in writing within twenty-one days. Response to recommendations

Idem

(7c) A response of a constructor or employer under subsection (7b) shall contain a timetable for implementing the recommendations the constructor or employer agrees with and give reasons that the constructor or employer disagrees with any recommendations that the constructor or employer does not accept.

(4) Subsection 7 (10) of the said Act is amended by striking out “subsections (6), (7) and (8)” in the eighth line and inserting in lieu thereof “this section”.

4.—(1) Subsection 8 (1) of the said Act is repealed and the following substituted therefor:

Application

(1) Subject to subsection (3), this section does not apply,

- (a) to a constructor at a project at which work is expected to last less than three months; or
- (b) to a prescribed employer or work place or class of employers or work places.

(2) Subsection 8 (2) of the said Act is repealed and the following substituted therefor:

Joint health
and safety
committee

(2) A joint health and safety committee is required,

- (a) at a work place at which twenty or more workers are regularly employed;
- (b) at a work place with respect to which an order to an employer is in effect under section 20; or
- (c) at a work place, other than a construction project where fewer than twenty workers are regularly employed, with respect to which a regulation concerning designated substances applies.

(3) Section 8 of the said Act is amended by adding thereto the following subsection:

Establish-
ment of
committee

(3a) The constructor or employer shall cause a joint health and safety committee to be established and maintained at the work place unless the Minister is satisfied that a committee of like nature or an arrangement, program or system in which the workers participate is, on the date this Act comes into force, established and maintained pursuant to a collective agreement or other agreement or arrangement and that such committee, arrangement, program or system provides benefits for the health and safety of the workers equal to, or greater

than, the benefits to be derived under a committee established under this section.

(4) Subsection 8 (5) of the said Act is repealed and the following substituted therefor:

(5) A committee shall consist of,

Composition
of committee

(a) at least two persons, for a work place where fewer than fifty workers are regularly employed; or

(b) at least four persons or such greater number of people as may be prescribed, for a work place where fifty or more workers are regularly employed.

(5a) At least half the members of a committee shall be workers employed at the work place who do not exercise managerial functions.

Idem

(5b) The members of a committee who represent workers shall be selected by the workers they are to represent or, if a trade union or unions represent the workers, by the trade union or unions.

Selection of
members

(5c) The constructor or employer shall select the remaining members of a committee from among persons who exercise managerial functions for the constructor or employer and, to the extent possible, who do so at the work place.

Idem

(5d) A member of the committee who ceases to be employed at the work place ceases to be a member of the committee.

Requirement
for
committee
membership

(5e) Two of the members of a committee shall co-chair the committee, one of whom shall be selected by the members who represent workers and the other of whom shall be selected by the members who exercise managerial functions.

Committee to
be co-chaired

(5) Section 8 of the said Act is further amended by adding thereto the following subsections:

(5f) Unless otherwise prescribed, a constructor or employer shall ensure that at least one member of the committee representing the constructor or employer and at least one member representing workers are certified members.

Certification
requirement

(5g) Subsection (5f) does not apply with respect to a project where fewer than fifty workers are regularly employed or that is expected to last less than three months.

Idem

Designation
of member
to be
certified

(5h) If no member representing workers is a certified member, the workers or the trade unions who selected the members representing workers shall select from among them one or more who are to become certified.

Designation
of certified
members

(5i) If there is more than one certified member representing workers, the workers or the trade unions who selected the members representing workers shall designate one or more certified members who then become solely entitled to exercise the rights and required to perform the duties under this Act of a certified member representing workers.

Idem

(5j) If there is more than one certified member representing the constructor or employer, the constructor or employer shall designate one or more of them who then become solely entitled to exercise the rights and required to perform the duties under this Act of a certified member representing a constructor or an employer.

Replacement
of certified
member

(5k) If a certified member resigns or is unable to act, the constructor or employer shall, within a reasonable time, take all steps necessary to ensure that the requirement set out in subsection (5f) is met.

(6) Subsection 8 (6) of the said Act is amended by striking out “and” at the end of clause (c) and by adding thereto the following clauses:

- (e) obtain information from the constructor or employer concerning the conducting or taking of tests of any equipment, machine, device, article, thing, material or biological, chemical or physical agent in or about a work place for the purpose of occupational health and safety; and
- (f) be consulted about, and have a designated member representing workers be present at the beginning of, testing referred to in clause (e) conducted in or about the work place if the designated member believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid.

(7) Section 8 of the said Act is further amended by adding thereto the following subsections:

Idem

(6a) The members of the committee who represent workers shall designate one of them who is entitled to be present at the beginning of testing described in clause (6) (f).

(6b) A constructor or employer who receives written recommendations from a committee shall respond in writing within twenty-one days.

Response to
recommen-
dations

(6c) A response of a constructor or employer under subsection (6b) shall contain a timetable for implementing the recommendations the constructor or employer agrees with and give reasons that the constructor or employer disagrees with any recommendations that the constructor or employer does not accept.

Idem

(8) Subsection 8 (8) of the said Act is repealed and the following substituted therefor:

(8) Subject to subsection (8a), the members of a committee who represent workers shall designate a member representing workers to inspect the physical condition of the work place.

Inspections

(8a) If possible, the member designated under subsection (8) shall be a certified member.

Idem

(8b) The members of a committee are not required to designate the same member to perform all inspections or to perform all of a particular inspection.

Idem

(8c) Unless otherwise required by the regulations or by an order by an inspector, a member designated under subsection (8) shall inspect the physical condition of the work place at least once a month.

Idem

(8d) If it is not practical to inspect the work place at least once a month, the member designated under subsection (8) shall inspect the physical condition of the work place at least once a year, inspecting at least a part of the work place in each month.

Idem

(8e) The inspection required by subsection (8d) shall be undertaken in accordance with a schedule established by the committee.

Schedule of
inspections

(8f) The constructor, employer and the workers shall provide a member designated under subsection (8) with such information and assistance as the member may require for the purpose of carrying out an inspection of the work place.

Inspections

(8g) The member shall inform the committee of situations that may be a source of danger or hazard to workers and the committee shall consider such information within a reasonable period of time.

Information
reported to
the
committee

(9) Subsection 8 (12) of the said Act is repealed and the following substituted therefor:

Entitlement
to time from
work

(12) A member of a committee is entitled to,

- (a) one hour or such longer period of time as the committee determines is necessary to prepare for each committee meeting;
- (b) such time as is necessary to attend meetings of the committee; and
- (c) such time as is necessary to carry out the member's duties under subsections (8c), (8d) and (9).

Entitlement
to be paid

(12a) A member of a committee shall be deemed to be at work during the times described in subsection (12) and the member's employer shall pay the member for those times at the member's regular or premium rate as may be proper.

Idem

(12b) A member of a committee shall be deemed to be at work while the member is fulfilling the requirements for becoming certified by the Agency and the member's employer shall pay the member for the time spent at the member's regular or premium rate as may be proper.

Exception

(12c) Subsection (12b) does not apply with respect to workers who are paid by the Agency for the time spent fulfilling the requirements for becoming certified.

(10) Subsection 8 (14) of the said Act is amended by inserting after "by" in the third line "a constructor or" and by inserting after "consulting" in the fourth line "the constructor or".

5. The said Act is further amended by adding thereto the following sections:

Worker
trades
committee

8a.—(1) If a committee is required at a project, other than a project where fewer than fifty workers are regularly employed or that is expected to last less than three months, the committee shall establish a worker trades committee for the project.

Committee
membership

(2) The members of a worker trades committee shall represent workers employed in each of the trades at the work place.

Selection of
members

(3) The members of a worker trades committee shall be selected by the workers employed in the trades the members

are to represent or, if a trade union represents the workers, by the trade union.

(4) It is the function of a worker trades committee to inform the committee at the work place of the health and safety concerns of the workers employed in the trades at the work place.

Function of
worker trades
committee

(5) Subject to subsection (6), a member of a worker trades committee is entitled to such time from work as is necessary to attend meetings of the worker trades committee and the time so spent shall be deemed to be work time for which the member shall be paid by the employer at the member's regular or premium rate as may be proper.

Entitlement
to time from
work

(6) The committee for a work place shall determine the maximum amount of time for which members of a worker trades committee for the work place are entitled to be paid under subsection (5) for each meeting of the worker trades committee.

Committee to
determine
maximum
entitlement

8b.—(1) The constructor or employer at a work place shall consult a health and safety representative or the committee with respect to proposed testing strategies for investigating industrial hygiene at the work place.

Consultation
on industrial
hygiene
testing

(2) The constructor or employer shall provide information to a health and safety representative or the committee concerning testing strategies to be used to investigate industrial hygiene at the work place.

Information

(3) A health and safety representative or a designated committee member representing workers at a work place is entitled to be present at the beginning of testing conducted with respect to industrial hygiene at the work place if the representative or member believes his or her presence is required to ensure that valid testing procedures are used or to ensure that the test results are valid.

Attendance
at testing

(4) The committee members representing workers shall designate one of them for the purpose of subsection (3).

Designation
of member

6. Section 10 of the said Act is repealed and the following substituted therefor:

10.—(1) An agency to be known as the Workplace Health and Safety Agency is established.

Workplace
Health and
Safety
Agency

Board of
directors

(2) The Agency is composed of a board of directors, appointed by the Lieutenant Governor in Council, consisting of,

- (a) one chair, selected in accordance with subsection (3);
- (b) two full-time vice-chairs, one of whom represents management and one of whom represents labour;
- (c) twelve part-time members, six of whom represent management, six of whom represent labour;
- (d) four additional part-time members who are health and safety professionals, two selected in consultation with representatives of management and two selected in consultation with representatives of labour; and
- (e) the executive director of the Agency, selected in consultation with the other members of the board.

Chair

(3) The chair shall be a candidate recommended by the Minister and selected from a list of candidates provided jointly by the vice-chairs.

Idem

(4) The vice-chairs shall provide the Minister with a list of candidates for chair.

Idem

(5) If the position of chair is vacant, the vice-chairs shall jointly act as chair until the vacancy is filled.

Non-voting
members

(6) The chair and the executive director are non-voting members of the board.

Procedure

(7) The board may make rules governing its procedure.

Remuneration and
expenses

(8) The members of the board shall be paid such remuneration and expenses as the Lieutenant Governor in Council determines.

Executive
director

10a.—(1) The executive director of the Agency shall manage the operations of the Agency in accordance with the directions of the board of directors.

Staff and
consultants

(2) The executive director may appoint such employees and retain such other persons to provide professional, technical or other assistance to the Agency as are required for the purposes of the Agency.

(3) The *Public Service Act* does not apply with respect to employees of the Agency.

Non-application of R.S.O. 1980, c. 418

(4) The Agency shall be deemed to have been designated by the Lieutenant Governor in Council under the *Public Service Pension Act, 1989* as one whose employees are required to be members of the Public Service Pension Plan.

Pension plan 1989, c. 73

10b.—(1) The Agency shall file with the Minister not later than the 1st day of June in each year an annual report upon the affairs of the Agency.

Annual report

(2) The accounts of the Agency shall be audited annually.

Annual audit

7. The said Act is further amended by adding thereto the following sections:

10c.—(1) The functions of the Agency are, and it has the power,

Agency functions

- (a) to develop requirements for the certification of members of committees and other workers;
- (b) to establish and administer, in accordance with the requirements of the Minister, the certification process including the training requirements of members of committees and other workers;
- (c) to certify persons according to requirements established under this Act and standards developed by the Agency;
- (d) to develop and deliver educational and training programs, purchase programs from other institutions and contribute to the development of safety programs by other institutions;
- (e) to make grants or provide funds, or both, for the purposes described in clause (d);
- (f) to promote public awareness of occupational health and safety;
- (g) to provide funding for occupational health and safety research;
- (h) to develop standards for first aid training and education and provide funding for first aid training;

- (i) to develop requirements for the accreditation of employers who operate successful health and safety programs and policies;
- (j) to accredit and revoke the accreditation of employers according to the standards developed by the Agency;
- (k) to advise the Workers' Compensation Board if accredited employers operate in such a manner as to reduce the hazard to workers in the work place;
- (l) to advise the Workers' Compensation Board if employers fail to take sufficient precaution for the prevention of hazards to workers;
- (m) to advise the Minister on matters related to occupational health and safety which may be brought to its attention or be referred to it;
- (n) to oversee the operation of,
 - (i) such occupational health and safety medical clinics as may be designated by regulation,
 - (ii) such safety and accident prevention associations as may be designated by regulation, and
 - (iii) such occupational health and safety training centres as may be designated by regulation;
- (o) to make grants or provide funds, or both, to the organizations referred to in clause (n);
- (p) to provide programs and services for a fee.

Directions to
organizations

(2) The Agency may give directions to the governing body of an organization referred to in clause (1) (n) and the governing body shall comply with the directions.

Funding for
associations

(3) The Agency shall not make a grant or provide funds to an organization referred to in subclause (1) (n) (ii) if a person designated by the Minister advises the Agency that the governing body of the organization does not, in his or her opinion, have an equal number of representatives of management and of workers employed in the sector represented by the organization.

Funding for
training
centres

(4) The Agency shall not make a grant or provide funds to an organization referred to in subclause (1) (n) (iii) if a person

designated by the Minister advises the Agency that the governing body of the organization does not, in his or her opinion, have an equal number of representatives of management and of workers.

(5) Subsections (3) and (4) come into force two years after the date on which this section comes into force.

Commence-
ment

(6) The Agency shall make payments to persons regularly employed in the construction industry, other than persons who may become members of a committee who represent management, in respect of the time spent fulfilling the requirements for becoming certified by the Agency.

Funding re
construction
workers

(7) The Agency shall establish a small business advisory committee, composed of an equal number of representatives of management and of workers in the small business community.

Small
business
advisory
committee

(8) If the Agency fails to fulfil any of its functions and the Minister determines that there is a significant public interest at stake, the Minister may take whatever steps are necessary to ensure that the functions are fulfilled.

Resolution
by Minister

(9) The board of directors may delegate in writing any of the Agency's powers or duties to an employee of the Agency who may act in the place of the Agency.

Delegation

8. The said Act is further amended by adding thereto the following section:

10d.—(1) The Workers' Compensation Board shall transfer annually to the Agency at the beginning of each fiscal year of the Board an amount determined by the Lieutenant Governor in Council.

Transfer of
funds

(2) The amount to be transferred at the beginning of each fiscal year shall not exceed 110 per cent of the amount transferred at the beginning of the preceding fiscal year.

Idem

(3) If an occupational health and safety medical clinic, a safety and accident prevention association or an occupational health and safety training centre is designated for the purposes of clause 10c (1) (n) in one fiscal year, the amount to be transferred at the beginning of the next fiscal year may be greater than the amount permitted under subsection (2).

Exception

(4) The amount paid by the Workers' Compensation Board under subsection (1) shall be assessed and levied upon such employers or classes of employers in Schedules 1 and 2 of the

Method of
collection

R.S.O. 1980, c. 539. *Workers' Compensation Act* and in such manner as the Board considers appropriate.

Start-up costs (5) The costs and expenses of the Agency before the beginning of the first fiscal year of the Board after this section comes into force, up to a maximum of 1.5 million dollars, shall form part of the administration expenses of the Workers' Compensation Board.

Transition (6) The amount to be transferred under subsection (1) at the beginning of the first fiscal year of the Board after this section comes into force shall not exceed 53 million dollars.

9. The said Act is further amended by adding thereto the following sections:

Transfer of safety associations
R.S.O. 1980, c. 539. **10e.**—(1) The associations formed under section 123 of the *Workers' Compensation Act* before the coming into force of this section, except for the Farm Safety Association of Ontario, are continued under the authority of the Agency.

Regulation (2) The Lieutenant Governor in Council may, by regulation, transfer responsibility for the Farm Safety Association of Ontario to the Agency, in which case this Act applies to the Association and the *Workers' Compensation Act* does not apply to it.

Transitional funding (3) The Workers' Compensation Board shall continue to make payments and grants to and on behalf of the associations referred to in this section as if section 123 of the *Workers' Compensation Act* (as it read immediately before the coming into force of subsection 33 (2) of the *Occupational Health and Safety Statute Law Amendment Act, 1990*) continued to apply to the associations.

Repeal (4) Subsection (3) is repealed on the date the Workers' Compensation Board makes the first transfer under subsection 10d (1).

Funding of certain organizations
R.S.O. 1980, c. 539. **10f.**—(1) No grant may be given under clause 71 (3) (j) of the *Workers' Compensation Act* to an organization that receives or that is eligible to receive funds or grants from the Agency under clause 10c (1) (o).

Exception (2) Subsection (1) does not apply with respect to the period before the Workers' Compensation Board makes the first transfer of funds under subsection 10d (1).

10. The said Act is further amended by adding thereto the following section:

10g.—(1) The Lieutenant Governor in Council may appoint an occupational health and safety adjudicator who shall carry out the duties and exercise the powers of the adjudicator under this Act. Occupational health and safety adjudicator

(2) The adjudicator may delegate in writing any of his or her powers or duties, subject to any limitation or condition set out in the delegation. Delegation

11. Subsection 11 (1) of the said Act is amended by striking out “paragraph 1” in the second line and inserting in lieu thereof “paragraph 1b”.

12. The heading to Part III of the said Act is repealed and the following substituted therefor:

DUTIES OF EMPLOYERS AND OTHER PERSONS

13. The said Act is further amended by adding thereto the following section:

13a.—(1) A licensee shall ensure that, Duties of licensees

- (a) the measures and procedures prescribed by this Act and the regulations are carried out with respect to logging in the licensed area;
- (b) every employer performing logging in the licensed area for the licensee complies with this Act and the regulations; and
- (c) the health and safety of workers employed by employers referred to in clause (b) is protected.

(2) In this section, “licensed area” means the lands on which the licensee is authorized to cut Crown timber. Definition

14.—(1) Subsection 14 (2) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 2, is further amended by striking out “and” at the end of clause (g) and by adding thereto the following clauses:

- (i) prepare and review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy;
- (j) post at a conspicuous location in the work place a copy of the occupational health and safety policy;

- (k) provide to the committee or to a health and safety representative the results of a report respecting occupational health and safety that is in the employer's possession and, if that report is in writing, a copy of the portions of the report that concern occupational health and safety; and
- (l) advise workers of the results of a report referred to in clause (k) and, if the report is in writing, make available to them on request copies of the portions of the report that concern occupational health and safety.

(2) Section 14 of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 2, is further amended by adding thereto the following subsection:

Idem

(4) Clause (2) (i) does not apply with respect to a work place at which five or fewer employees are regularly employed.

15.—(1) Subsection 15 (1) of the said Act is amended by adding thereto the following clauses:

- (ga) establish a medical surveillance program for the benefit of workers as prescribed;
- (gb) provide for safety-related medical examinations and tests for workers as prescribed.

(2) The said subsection 15 (1) is further amended by striking out “and” at the end of clause (h), by adding “and” at the end of clause (i) and by adding thereto the following clause:

- (j) carry out such training programs for workers, supervisors and committee members as may be prescribed.

(3) Section 15 of the said Act is amended by adding thereto the following subsection:

Idem

(3) If a worker participates in a prescribed medical surveillance program or undergoes prescribed medical examinations or tests, his or her employer shall pay,

- (a) the worker's costs for medical examinations or tests required by the medical surveillance program or required by regulation;

- (b) the worker's reasonable travel costs respecting the examinations or tests; and
- (c) the time the worker spends to undergo the examinations or tests, including travel time, which shall be deemed to be work time for which the worker shall be paid at his or her premium rate as may be proper.

16.—(1) Clause 17 (1) (e) of the said Act is repealed.

(2) Section 17 of the said Act is amended by adding thereto the following subsection:

(3) A worker is not required to participate in a prescribed medical surveillance program unless the worker consents to do so.

Consent to
medical
surveillance

17. The said Act is further amended by adding thereto the following section:

18a.—(1) Before beginning a project, the owner shall determine whether any designated substances are present at the project site and shall prepare a list of all designated substances that are present at the site.

Duty of
project
owners

(2) If any work on a project is tendered, the person issuing the tenders shall include, as part of the tendering information, a copy of the list referred to in subsection (1).

Tenders

(3) An owner shall ensure that a prospective constructor of a project on the owner's property has received a copy of the list referred to in subsection (1) before entering into a binding contract with the constructor.

Idem

(4) The constructor for a project shall ensure that each prospective contractor and subcontractor for the project has received a copy of the list referred to in subsection (1) before the prospective contractor or subcontractor enters into a binding contract for the supply of work on the project.

Duty of
constructors

(5) An owner who fails to comply with this section is liable to the constructor and every contractor and subcontractor who suffers any loss or damages as the result of the subsequent discovery on the project of a designated substance that the owner ought reasonably to have known of but that was not on the list prepared under subsection (1).

Liability

(6) A constructor who fails to comply with this section is liable to every contractor and subcontractor who suffers any

Idem

loss or damages as the result of the subsequent discovery on the project of a designated substance that was on the list prepared under subsection (1).

18. Section 19 of the said Act is amended by adding thereto the following subsection:

Architects
and engineers
1984, cc. 12,
13

(2) An architect as defined in the *Architects Act, 1984* and a professional engineer as defined in the *Professional Engineers Act, 1984* contravenes this Act if, as a result of his or her advice that is given or his or her certification required under this Act that is made negligently or incompetently, a worker is endangered.

19. The said Act is further amended by adding thereto the following section:

Duties of
directors and
officers of a
corporation

19a. Every director and every officer of a corporation shall take all reasonable care to ensure that the corporation complies with,

- (a) this Act and the regulations;
- (b) orders and requirements of inspectors and Directors; and
- (c) orders of the Minister.

20.—(1) Subsection 21 (1) of the said Act is amended by striking out “or combination of such agents” in the seventh line and in the tenth line and by striking out “or combination of agents” in the eleventh line.

(2) Subsection 21 (2) of the said Act is amended by striking out “or combination of such agents” in the third line and by striking out “or combination of agents” in the tenth line.

(3) Subsection 21 (3) of the said Act is repealed and the following substituted therefor:

Interpretation

(3) For the purpose of this section, a biological or chemical agent is not considered to be new if, before a person manufactures, distributes or supplies the agent, it was used in a work place other than the person's work place or it is included in an inventory compiled or adopted by the Minister.

21. Subsection 22a (7) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is repealed and the following substituted therefor:

(7) The employer shall keep readily accessible at the work place a floor plan, as prescribed, showing the names of all hazardous materials and their locations and shall post a notice stating where the floor plan is kept in a place or places where it is most likely to come to the attention of workers. Floor plans

22.—(1) Clause 22c (1) (c) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by inserting after “employer” in the first line “on request or if so prescribed”.

(2) Clause 22c (1) (d) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by inserting after “employer” in the first line “on request or if so prescribed”.

(3) Clause 22c (1) (e) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is amended by adding at the end thereof “on request or if so prescribed”.

(4) Subsection 22c (6) of the said Act, as enacted by the Statutes of Ontario, 1987, chapter 29, section 3, is repealed.

23. The heading to Part V of the said Act is repealed and the following substituted therefor:

RIGHT TO REFUSE OR TO STOP WORK
WHERE HEALTH OR SAFETY IN DANGER

24.—(1) Subsection 23 (1), as amended by the Statutes of Ontario, 1984, chapter 55, section 224, and subsection 23 (2) of the said Act are repealed and the following substituted therefor:

(1) This section does not apply with respect to a worker described in subsection (2), Application

(a) when a circumstance described in clause (3) (a), (b) or (c) is inherent in the worker’s work or is a normal condition of the worker’s employment; or

(b) when the worker’s refusal to work would directly endanger the life, health or safety of another person.

(2) The worker referred to in subsection (1) is,

Idem

(a) a person employed in, or a member of, a police force to which the *Police Act* applies;

R.S.O. 1980,
c. 381

- R.S.O. 1980,
c. 164
- (b) a full-time, or a volunteer, firefighter as defined in the *Fire Departments Act*;
- R.S.C. 1985,
c. Y-1
- (c) a person employed in the operation of a correctional institution or facility, a training school or centre, a place of secure custody designated under section 24.1 of the *Young Offenders Act* (Canada) or a place of temporary detention designated under subsection 7 (1) of that Act or a similar institution, facility, school or home;
- (d) a person employed in the operation of,
- (i) a hospital, sanatorium, nursing home, home for the aged, psychiatric institution, mental health or mental retardation centre or a rehabilitation facility,
 - (ii) a residential group home or other facility for persons with behavioural or emotional problems or a physical, mental or developmental handicap,
 - (iii) an ambulance service or a first aid clinic or station,
 - (iv) a laboratory operated by the Crown or licensed under the *Laboratory and Specimen Collection Centre Licensing Act*, or
 - (v) a laundry, food service, power plant or technical service or facility used in conjunction with an institution, facility or service described in subclause (i) to (iv).
- R.S.O. 1980,
c. 409

(2) Subsections 23 (11) and (12) of the said Act are repealed and the following substituted therefor:

Duty to
advise other
workers

(11) Pending the investigation and decision of the inspector, no worker shall be assigned to use or operate the equipment, machine, device or thing or to work in the work place or in the part of the work place being investigated unless, in the presence of a person described in subsection (12), the worker has been advised of the other worker's refusal and of his or her reasons for the refusal.

Idem

(12) The person referred to in subsection (11) must be,

- (a) a committee member who represents workers and, if possible, who is a certified member;

- (b) a health and safety representative; or
- (c) a worker who because of his or her knowledge, experience and training is selected by the trade union that represents the worker or, if there is no trade union, by the workers to represent them.

(13) A person shall be deemed to be at work and the person's employer shall pay him or her at the regular or premium rate, as may be proper, Entitlement to be paid

- (a) for the time spent by the person carrying out the duties under subsections (4) and (7) of a person mentioned in clause (4) (a), (b) or (c); and
- (b) for time spent by the person carrying out the duties under subsection (11) of a person described in subsection (12).

25. The said Act is further amended by adding thereto the following sections:

23a.—(1) In sections 23b to 23e, “dangerous circumstances” means a situation in which, Dangerous circumstances

- (a) a provision of this Act or the regulations is being contravened;
- (b) the contravention poses a danger or a hazard to a worker; and
- (c) the danger or hazard is such that any delay in controlling it may seriously endanger a worker.

(2) Sections 23b to 23f do not apply with respect to, Non-application

- (a) a work place at which workers described in clause 23 (2) (a), (b) or (c) are employed; or
- (b) a work place at which workers described in clause 23 (2) (d) are employed if a work stoppage would directly endanger the life, health or safety of another person.

23b.—(1) A certified member who has reason to believe that dangerous circumstances exist at a work place may request that a supervisor investigate the matter and the supervisor shall promptly do so in the presence of the certified member. Bilateral work stoppage

Investigation
by second
certified
member

(2) The certified member may request that a second certified member representing the other work place party investigate the matter if the first certified member has reason to believe that dangerous circumstances continue after the supervisor's investigation and remedial actions, if any.

Idem

(3) The second certified member shall promptly investigate the matter in the presence of the first certified member.

Direction
following
investigation

(4) If both certified members find that the dangerous circumstances exist, the certified members may direct the constructor or employer to stop the work or to stop the use of any part of a work place or of any equipment, machine, device, article or thing.

Constructor's
or employer's
duties

(5) The constructor or employer shall immediately comply with the direction and shall ensure that compliance is effected in a way that does not endanger a person.

Investigation
by inspector

(6) If the certified members do not agree whether dangerous circumstances exist, either certified member may request that an inspector investigate the matter and the inspector shall do so and provide the certified members with a written decision.

Cancellation
of direction

(7) After taking steps to remedy the dangerous circumstances, the constructor or employer may request the certified members or an inspector to cancel the direction.

Idem

(8) The certified members who issued a direction may jointly cancel it or an inspector may cancel it.

Delegation
by certified
member

(9) In such circumstances as may be prescribed, a certified member who represents the constructor or employer shall designate a person to act under this section in his or her stead when the certified member is not available at the work place.

Declaration
against
constructor,
etc.

23c.—(1) A certified member at a work place or an inspector who has reason to believe that the procedure for stopping work set out in section 23b will not be sufficient to protect a constructor's or employer's workers at the work place from serious risk to their health or safety may apply to the adjudicator for a declaration or recommendation described in subsection (5), or both.

Notice

(2) An applicant shall give written notice of an application to the constructor or employer and to a Director.

Minister a
party

(3) The Minister is entitled to be a party to a proceeding before the adjudicator.

(4) The Minister may appoint an inspector to attempt to mediate a settlement of the issues between the applicant and the constructor or employer at any time after an application is made.

Mediation

(5) If the adjudicator finds that the procedure for stopping work set out in section 23b will not be sufficient to protect the constructor's or employer's workers at the work place from serious risk to their health or safety, the adjudicator,

Declaration and recommendation

(a) may issue a declaration that the constructor or employer is subject to the procedure for stopping work set out in section 23d for the period specified; and

(b) may recommend to the Minister that an inspector be assigned to oversee the health and safety practices of the constructor or employer at the work place on a full-time or part-time basis for a specified period.

(6) In making a finding under subsection (5), the adjudicator shall determine, using the prescribed criteria, whether the constructor or employer has demonstrated a failure to protect the health and safety of workers and shall consider such other matters as may be prescribed.

Criteria

(7) The decision of the adjudicator on an application is final.

Decision final

(8) The employer shall reimburse the Treasurer of Ontario for the wages, benefits and expenses of an inspector assigned to the employer as recommended by the adjudicator.

Costs of inspector

23d.—(1) This section applies, and section 23b does not apply, with respect to a constructor or an employer,

Unilateral work stoppage

(a) against whom the adjudicator has issued a declaration under section 23c; or

(b) who advises the committee at a work place in writing that the constructor or employer adopts the procedures set out in this section respecting work stoppages.

(2) A certified member may direct the constructor or employer to stop specified work or to stop the use of any part of a work place or of any equipment, machine, device, article or thing if the certified member finds that dangerous circumstances exist.

Direction re work stoppage

Constructor's
or employer's
duties.

(3) The constructor or employer shall immediately comply with the direction and shall ensure that compliance is effected in a way that does not endanger a person.

Investigation
by
constructor,
etc.

(4) After complying with the direction, the constructor or employer shall promptly investigate the matter in the presence of the certified member.

Investigation
by inspector

(5) If the certified member and the constructor or employer do not agree whether dangerous circumstances exist, the constructor or employer or the certified member may request that an inspector investigate the matter and the inspector shall do so and provide them with a written decision.

Cancellation
of direction

(6) After taking steps to remedy the dangerous circumstances, the constructor or employer may request the certified member or an inspector to cancel the direction.

Idem

(7) The certified member who made the direction or an inspector may cancel it.

Entitlement
to investigate

23e.—(1) A certified member who receives a complaint that dangerous circumstances exist is entitled to investigate the complaint.

Entitlement
to be paid

(2) The time spent by a certified member in exercising powers and carrying out duties under this section and sections 23b and 23d shall be deemed to be work time for which the member's employer shall pay the member at the regular or premium rate as may be proper.

Complaint re
direction to
stop work

23f.—(1) A constructor, an employer, a worker at the work place or a representative of a trade union that represents workers at the work place may file a complaint with the adjudicator if he, she or it has reasonable grounds to believe that a certified member at the work place recklessly or in bad faith exercised or failed to exercise a power under section 23b or 23d.

Limitation

(2) A complaint must be filed not later than fourteen days after the event to which the complaint relates.

Minister a
party

(3) The Minister is entitled to be a party to a proceeding before the adjudicator.

Determi-
nation of
complaint

(4) The adjudicator shall make a decision respecting the complaint and may make such order as he or she considers appropriate in the circumstances including an order decertifying a certified member.

(5) The decision of the adjudicator is final.

Decision final

26. Subsection 24 (1) of the said Act is amended by striking out “or” where it appears the second time in the second-last line and by adding at the end thereof “or has given evidence in a proceeding in respect of the enforcement of this Act or the regulations or in an inquest under the *Coroners Act*”.

27. Subsections 26 (2) and (3) of the said Act are repealed and the following substituted therefor:

(2) If an employer is advised by or on behalf of a worker that the worker has an occupational illness or that a claim in respect of an occupational illness has been filed with the Workers' Compensation Board by or on behalf of the worker, the employer shall give notice in writing, within four days of being so advised, to a Director, to the committee or a health and safety representative and to the trade union, if any, containing such information and particulars as may be prescribed.

Notice of
occupational
illness

(3) Subsection (2) applies with all necessary modifications if an employer is advised by or on behalf of a former worker that the worker has or had an occupational illness or that a claim in respect of an occupational illness has been filed with the Workers' Compensation Board by or on behalf of the worker.

Idem

28.—(1) Subsection 28 (1) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 4, is further amended by striking out “and” at the end of clause (k), by adding “and” at the end of clause (l) and by adding thereto the following clauses:

(ea) require in writing an employer to cause any tests described in clause (e) to be conducted or taken, at the expense of the employer, by a person possessing such special expert or professional knowledge or qualifications as are specified by the inspector and to provide, at the expense of the employer, a report or assessment by that person;

.

(ia) require in writing an employer to have equipment, machinery or devices tested, at the expense of the employer, by a professional engineer and to provide, at the expense of the employer, a report bearing the seal and signature of the professional engineer stating that the equipment, machine or device is not likely to endanger a worker;

- (ib) require in writing that any equipment, machinery or device not be used pending testing described in clause (ia);

.

- (m) require the production of any materials concerning the content, frequency and manner of instruction of any training program and inspect, examine and copy the materials and attend any such program.

(2) Subclause 28 (1) (j) (iii) of the said Act is repealed and the following substituted therefor:

- (iii) that a floor, roof or temporary work, or part of a building, structure or temporary work is capable of supporting or withstanding all loads to which it may be subjected without causing the materials therein to be stressed beyond the allowable unit stresses established under the *Building Code Act* or established by regulation.

R.S.O. 1980,
c. 51

29. The said Act is further amended by adding thereto the following sections:

Order for
inspections

28a. Subject to subsection 8 (8c), an inspector may in writing direct a health and safety representative or a member designated under subsection 8 (8) to inspect the physical condition of all or part of a work place at specified intervals.

Seizure of
documents or
things

28b.—(1) While acting under the authority of this Act, an inspector may, without a warrant or court order, seize any thing that is produced to him or her or that is in plain view if the inspector reasonably believes that this Act or a regulation has been contravened and that the thing will afford evidence of the contravention.

Possession

(2) The inspector may remove the thing seized or may detain it in the place in which it is seized.

Notice and
receipt

(3) The inspector shall inform the person from whom the thing is seized as to the reason for the seizure and shall give the person a receipt for it.

Report to
justice

(4) The inspector shall bring a thing seized under the authority of this section before a provincial judge or justice of the peace or, if that is not reasonably possible, shall report the seizure to a provincial judge or justice of the peace.

(5) Sections 143 and 144 of the *Provincial Offenses Act* apply with necessary modifications in respect of a thing seized under the authority of this section.

Application
of
R.S.O. 1980,
c. 400,
ss. 143, 144

30.—(1) Subsection 29 (1) of the said Act is amended by inserting after “constructor” in the third line “licensee”.

(2) Section 29 of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 5, is further amended by adding thereto the following subsections:

(3a) An order made under subsection (1) may require a constructor, a licensee or an employer to submit to the Ministry a compliance plan prepared in the manner and including such items as required by the order.

Compliance
plan

(3b) The compliance plan shall specify what the constructor, licensee or employer plans to do to comply with the order and when the constructor, licensee or employer intends to achieve compliance.

Idem

(3) Clause 29 (4) (b) of the said Act is repealed and the following substituted therefor:

(b) order that the work at the work place as indicated in the order shall stop until the order to stop work is withdrawn or cancelled by an inspector after an inspection.

(4) The said section 29 is further amended by renumbering subsection (4a) as subsection (4b) and by adding thereto the following subsection:

(4a) Notwithstanding clause (4) (b), a constructor, a licensee or an employer who gives notice to an inspector of compliance with an order made under subsection (4) may resume work pending an inspection and decision by an inspector respecting compliance with the order if, before the resumption of work, a committee member representing workers or a health and safety representative, as the case may be, advises an inspector that in his or her opinion the order has been complied with.

Resumption
of work
pending
inspection

(5) Subsection 29 (6) of the said Act is amended by inserting after “constructor” in the second line and in the fourth line in each instance “licensee”.

(6) Subsection 29 (7) of the said Act is amended by inserting after “constructor” in the second line “licensee”.

31. The said Act is further amended by adding thereto the following section:

Notice of
compliance

30a.—(1) Within three days after a constructor or employer who has received an order under section 29 believes that compliance with the order has been achieved, the constructor or employer shall submit to the Ministry a notice of compliance.

Idem

(2) The notice shall be signed by the constructor or employer and shall be accompanied by,

- (a) a statement of agreement or disagreement with the contents of the notice, signed by a member of the committee representing workers or by a health and safety representative, as the case may be; or
- (b) a statement that the member or representative has declined to sign the statement referred to in clause (a).

Idem

(3) The constructor or employer shall post the notice and the order issued under section 29 for a period of fourteen days following its submission to the Ministry in a place or places in the work place where it is most likely to come to the attention of workers.

Compliance
achieved

(4) Notwithstanding the submission of a notice of compliance, a constructor or employer achieves compliance with an order under section 29 when an inspector determines that compliance has been achieved.

32.—(1) Subsection 32 (1) of the said Act is amended by inserting after “constructor” in the first line “licensee”.

(2) Subsection 32 (8) of the said Act is repealed.

(3) Section 32 of the said Act is amended by striking out “a Director” wherever it occurs and inserting in lieu thereof in each instance “the adjudicator”.

33. Section 34 of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 6 and 1988, chapter 58, section 5, is further amended by adding thereto the following subsection:

Employer
access to
health
records

(1a) No employer shall seek to gain access, except by an order of the court or other tribunal or in order to comply with another statute, to a health record concerning a worker without the worker's written consent.

34. Subsection 36 (1) of the said Act is repealed and the following substituted therefor:

(1) No action or other proceeding for damages, prohibition or mandamus shall be instituted respecting any act done in good faith in the execution or intended execution of a person's duties under this Act or in the exercise or intended exercise of a person's powers under this Act or for any alleged neglect or default in the execution or performance in good faith of the person's duties or powers if the person is, Immunity

- (a) an employee of the Ministry or a person who acts as an advisor for the Ministry;
- (b) a director or employee of the Agency or a person who acts as an advisor for the Agency;
- (c) the adjudicator or a person to whom the adjudicator has delegated powers or duties;
- (d) a health and safety representative or a committee member;
- (e) a worker selected by a trade union or trade unions or by workers to represent them; or
- (f) an employee of a medical clinic, an association or a training centre referred to in clause 10c (1) (n) or an association referred to in subsection 10e (1).

35. Section 37 of the said Act is amended by adding thereto the following subsection:

(1a) If a corporation is convicted of an offence under subsection (1), the maximum fine that may be imposed upon the corporation is \$500,000 and not as provided therein. Idem

36. Subsection 38 (1) of the said Act is amended by striking out "or" at the end of clause (b), by adding "or" at the end of clause (c) and by adding thereto the following clause:

- (d) a document purporting to certify the result of a test or an analysis of any equipment, machine, device, article, thing or substance and purporting to be certified by an inspector,
-

37. Section 39 of the said Act is amended by adding thereto the following subsection:

Provincial
judge
required

(2) The Attorney General or an agent for the Attorney General may by notice to the clerk of the court having jurisdiction in respect of an offence under this Act require that a provincial judge preside over the proceeding.

38. Subsection 41 (2) of the said Act, as amended by the Statutes of Ontario, 1987, chapter 29, section 7 and 1988, chapter 58, section 6, is further amended by adding thereto the following paragraphs:

- 8a. prescribing classes of work places for which and circumstances under which a committee shall consist of more than four persons and in each case prescribing the number of persons;
- 8b. prescribing employers or work places or classes thereof for the purposes of clause 8 (1) (b);
- 8c. exempting any work place, industry, activity, business, work, trade occupation, profession, constructor or employer or any class thereof from the application of subsection 8 (2);
- 8d. respecting the conditions for eligibility, qualifications, selection and term of committee members, including certified members, and the operation of the committee;
- 8e. exempting any class of work places from the requirement set out in subsection 8 (5f);
- 8f. prescribing occupational health and safety medical clinics, safety and accident prevention associations and occupational health and safety training centres for the purposes of clause 10c (1) (n);
-
- 10a. prescribing classes of employers who shall establish and maintain a medical surveillance program in which workers may volunteer to participate;
- 10b. governing medical surveillance programs;
-
- 21a. prescribing training programs that employers shall provide;

21b. increasing the number of certified members required on a committee;

21c. prescribing floor plans for the purposes of subsection 22a (7);

.

29. prescribing by class of employer the intervals at which a health and safety representative or a committee member designated under subsection 8 (8) shall inspect all or part of a work place;

30. establishing criteria for determining, for the purpose of section 25, whether a person is critically injured;

31. prescribing first aid requirements to be met and first aid services to be provided by employers and constructors;

32. prescribing, for the purpose of clause 15 (1) (gb), medical examinations and tests that a worker is required to undergo to ensure that the worker's health will not affect his or her ability to perform his or her job in a manner that might endanger others;

33. prescribing classes of work place with respect to which section 23b does not apply;

34. prescribing the qualifications of persons whom a certified member may designate under subsection 23b (9);

35. prescribing, for the purpose of subsection 23c (6), criteria for determining whether a constructor or employer has demonstrated a failure to protect the health and safety of workers;

36. prescribing matters to be considered by the adjudicator in deciding upon an application under section 23c;

37. prescribing classes of work place with respect to which section 23d does not apply.

39.—(1) Subsection 74 (3) of the *Workers' Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Deeming
provision

(3) For the purposes of this section, the following individuals shall be deemed to be employees of the Board:

1. The employees of designated associations formed under subsection 123 (1).
2. The employees of designated corporations for accident prevention, the members of which are employees within the meaning of section 123.
3. The employees of safety and accident prevention associations described in subclause 10c (1) (n) (ii) of the *Occupational Health and Safety Act*.

R.S.O. 1980,
c. 321

(2) Section 74 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 61, section 12 and 1984, chapter 58, section 26, is further amended by adding thereto the following subsections:

Idem

(4a) For the purposes of this section, every employee who, on the 10th day of April, 1952, was in the service of an association or corporation described in subsection (3) shall be deemed to have become an employee of the Board on the date on which he or she last entered the service of the association or corporation.

Idem

(4b) On a day to be named by proclamation of the Lieutenant Governor, the employees of safety and accident prevention associations described in subclause 10c (1) (n) (ii) of the *Occupational Health and Safety Act* cease to be deemed to be employees of the Board.

Repeal

(4c) Paragraph 3 of subsection (3) is repealed on a day to be named by proclamation of the Lieutenant Governor.

(3) Section 91 of the said Act is amended by adding thereto the following subsection:

Recommendations

(6a) The Board may take into account recommendations made by the Workplace Health and Safety Agency established under the *Occupational Health and Safety Act* in reaching its opinion under subsection (4) or (6).

R.S.O. 1980,
c. 321

(4) Section 123 of the said Act is repealed and the following substituted therefor:

Accident
prevention
associations

123.—(1) The employers in any class of farm-related activity may, with the approval and under the control of the Board, form themselves into an association for the purpose of education in accident prevention.

(2) If the Board is of opinion that an association so formed sufficiently represents the employers included in the class, the Board may approve rules of operation and, when approved by the Board and by the Lieutenant Governor in Council, they are binding on all the employers included in the class.

Rules of
operation

(3) Where an association under the authority of its rules of operation appoints an inspector or an expert for the purpose of education in accident prevention, the Board may pay the whole or any part of the salary or remuneration of such inspector or expert out of the accident fund or out of that part of it that is at the credit of any one or more of the classes as the Board considers just.

Inspectors

(4) The Board may, in any case that it considers proper, make a grant towards the expenses of any such association.

Expenses of
associations

(5) Any moneys paid by the Board under this section shall be charged against the class represented by such association and levied as part of the assessment against such class.

Where
charged

(6) The word "class" in this section includes subclass or such part of a class or such number of classes or parts of classes as may be approved by the Board.

Definition
"catégorie"

40. The Minister shall undertake a review three years after this section comes into force of,

Ministerial
review

- (a) the mandate of the Workplace Health and Safety Agency and the administration of its programs; and
- (b) the operation and effectiveness of sections 23b to 23d of the *Occupational Health and Safety Act*.

R.S.O. 1980,
c. 321

41. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commence-
ment

42. The short title of this Act is the *Occupational Health and Safety Statute Law Amendment Act, 1990*.

Short title



Bill 209

(Chapter 44
Statutes of Ontario, 1989)

An Act to revise the McMichael Canadian Collection Act

The Hon. L. Oddie Munro
Minister of Culture and Communications



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	January 24th, 1989
<i>2nd Reading</i>	July 13th, 1989
<i>3rd Reading</i>	July 13th, 1989
<i>Royal Assent</i>	July 13th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

Bill 209

1989

An Act to revise the McMichael Canadian Collection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“Board” means the board of trustees of the Corporation;

“collection” means the art works and objects and the documentary materials related thereto held by the Corporation for exhibition or display;

“Corporation” means the corporation continued by section 2;

“Minister” means the Minister of Culture and Communications.

2.—(1) The corporation known as Michael Canadian Collection is continued as a corporation without share capital.

McMichael
Canadian
Collection
continued

(2) The English version of the name of the Corporation is changed to McMichael Canadian Art Collection.

English name

(3) The French version of the name of the Corporation is Collection McMichael d'art canadien.

French name

(4) The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

Fiscal year

(5) The *Corporations Act* does not apply to the Corporation.

R.S.O. 1980,
c. 95 does
not apply

3.—(1) The Board shall consist of seventeen trustees as follows:

Composition
of Board

1. Eleven trustees appointed by the Lieutenant Governor in Council.
2. Four trustees appointed by the Board.
3. Robert McMichael, Founder Director Emeritus.
4. Signe McMichael.

Vacancy

(2) If Robert McMichael or Signe McMichael is unable or unwilling to be a trustee, the Board shall appoint another trustee to fill the position.

Term of office

(3) A trustee may be appointed for a term not exceeding three years and may be reappointed for one or more further terms.

Chairperson and vice-chairperson

(4) The Lieutenant Governor in Council shall designate one of the trustees as chairperson and one of the trustees as vice-chairperson of the Board.

Chairperson to preside

(5) The chairperson shall preside at all meetings of the Board and, in the absence of the chairperson or if the office of chairperson is vacant, the vice-chairperson shall have all the powers and shall perform the duties of the chairperson.

Quorum

(6) A majority of the trustees constitutes a quorum of the Board.

Powers of Board

4.—(1) The affairs of the Corporation shall be under the control of the Board and the Board has all the powers necessary to perform its duties and to achieve the objects of the Corporation.

By-laws

(2) The Board may make by-laws regulating its proceedings and may establish committees for the control and conduct of its internal affairs.

Committees

(3) A by-law establishing a committee of the Board may delegate to the committee such powers and duties of the Board as are determined in the by-law.

R.S.O. 1980, c. 446 does not apply

(4) The *Regulations Act* does not apply to by-laws made under this section.

Appointment of Director

5.—(1) The Board, subject to the approval of the Minister, shall appoint a Director who shall be responsible for the management and administration of the Corporation, subject to the supervision and direction of the Board.

(2) The Board, subject to the approval of the Minister, may remove the Director. Removal of Director

(3) The Director shall appoint such employees as the Director considers necessary from time to time for the proper conduct of the business of the Corporation. Staff

(4) The Board shall fix and pay the salaries or other remuneration and benefits and provide for the retirement and superannuation of employees. Salaries

6. The Corporation is an agent of Her Majesty and its powers may be exercised only as an agent of Her Majesty and all property acquired by the Corporation is the property of Her Majesty. Corporation Crown agency

7.—(1) The objects of the Corporation are, Objects

(a) to acquire art works, objects and documentary material for the collection;

(b) to preserve and exhibit the collection;

(c) to conduct research on and provide documentation for the collection;

(d) to stimulate interest in the collection;

(e) to conduct activities in order to enhance and complement the collection;

(f) to hold, maintain and use the land described in the Schedule to the *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, as a permanent site for a public gallery and related facilities for the collection.

(2) The Corporation may for the purpose of furthering its objects, Idem

(a) acquire, hold, maintain, use or dispose of property;

(b) with the approval of the Lieutenant Governor in Council, erect buildings and structures on lands that are not owned by the Corporation;

(c) establish and collect fees as it considers necessary;

- (d) lend any part of the collection for public exhibition, subject to such conditions as the Corporation may impose;
- (e) conduct exhibitions, programs and special events;
- (f) enter into agreements;
- (g) allow for the interment, in that portion of the real property of the Corporation established as a cemetery under the *Cemeteries Act*, of the remains of any artist who was a member of the Group of Seven or of the remains of the spouse of any such artist;
- (h) allow for the interment, in that portion of the real property of the Corporation established as a cemetery under the *Cemeteries Act*, of the remains of Robert McMichael and Signe McMichael.
- R.S.O. 1980,
c. 59
- Borrowing money (3) Despite clause (2) (a), the Corporation shall not borrow money unless a guarantee is provided under section 12.
- Disposal of work and land (4) Despite clause (2) (a), no work of art or land donated by either Robert McMichael or Signe McMichael shall be disposed of by the Corporation.
- Nature of collection **8.** The Board shall ensure that the focus of the collection is the works of art created by Indian, Inuit and Metis artists, the artists of the Group of Seven and their contemporaries and other artists who have made or make a contribution to the development of Canadian Art.
- Fund **9.**—(1) The Board may establish and maintain such funds as it considers necessary and appropriate for the management of the Corporation.
- Investment (2) The Board may invest the moneys of the Corporation in those classes of securities as trustees are permitted to invest in under the laws of Ontario.
- Remuneration, trustee **10.** A trustee shall not receive remuneration for services rendered but shall be reimbursed for proper and reasonable travelling and other expenses incurred in the work of the Board.
- Grants **11.**—(1) The Minister may make grants to the Corporation upon such terms and conditions as the Minister considers advisable.

(2) The money required for the purposes of this section shall be paid out of the money appropriated therefor by the Legislature. Moneys

12.—(1) The Lieutenant Governor in Council may, upon such terms as the Lieutenant Governor in Council considers proper, agree to guarantee and may guarantee the payment of any loan to the Corporation or any part thereof together with interest thereon borrowed for the purpose of carrying out the objects of the Corporation. Guarantee of loans

(2) The form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves. Form of guarantee

(3) The guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council and, upon being so signed, the Province of Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee. Idem

(4) The Lieutenant Governor in Council may pay out of the Consolidated Revenue Fund the money necessary to satisfy any liability of the Province of Ontario under the guarantee. Payment of guarantee

13. Real property owned, leased to or occupied by the Corporation is not liable to taxation for municipal or school purposes if it is actually used and occupied for the purposes of the Corporation. Tax exemption

14. The financial statements of the Corporation shall be audited annually by an auditor appointed by the Board and a report of the audit shall be made to the Board and to the Minister. Audit

15.—(1) The Board shall make an annual report on the affairs of the Corporation to the Minister. Annual report

(2) The Minister shall submit the report to the Lieutenant Governor in Council who shall then lay the report before the Assembly. Idem

(3) The Board shall prepare reports in addition to the annual report as the Minister may require from time to time. Additional reports

16. The *McMichael Canadian Collection Act*, being chapter 259 of the Revised Statutes of Ontario, 1980, the *McMichael Canadian Collection Amendment Act, 1982*, being chapter 3 and section 32 of the *Equality Rights Statute Law Amendment Act, 1986*, being chapter 64, are repealed. Repeals

Commence-
ment

17. This Act comes into force on the day it receives Royal Assent.

Short title


18. The short title of this Act is the *McMichael Canadian Art Collection Act, 1989*.

Bill 211

*(Chapter 31
Statutes of Ontario, 1989)*

An Act to revise the Rental Housing Protection Act, 1986

The Hon. C. Hošek
Minister of Housing



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	January 31st, 1989
<i>2nd Reading</i>	June 12th, 1989
<i>3rd Reading</i>	June 29th, 1989
<i>Royal Assent</i>	June 29th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989*

LEGISLATIVE AGENCY
CLERK

Bill 211

1989

**An Act to revise the
Rental Housing Protection Act, 1986**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“co-operative” means a rental property that is,

- (a) ultimately owned or leased or otherwise held, directly or indirectly, by more than one person where any such person, or a person claiming under such person, has the right to present or future exclusive possession of a unit in the rental property and, without restricting the generality of the foregoing, includes a rental property that is owned or leased or otherwise held in trust or that is owned or leased or otherwise held by a partnership or limited partnership as partnership property, where any trustee, beneficiary, partner, general partner or limited partner, or other person claiming under such trustee, beneficiary, partner, general partner or limited partner, has the right to present or future exclusive possession of a unit in the rental property, or
- (b) ultimately owned or leased or otherwise held, directly or indirectly, by a corporation having more than one shareholder or member, where any such shareholder or member, or a person claiming under such shareholder or member, by reason of the ownership of shares in or being a member of the corporation, has the right to present or future exclusive possession of a unit in the rental property,

but does not include a non-profit co-operative housing corporation as defined in the *Residential Rent Regulation Act*, 1986, c. 63
1986;

“co-operative interest holder” means a person who has an interest in a co-operative or is a shareholder or member of a corporation that has an interest in a co-operative;

“Minister” means the Minister of Housing;

“Ministry” means the Ministry of Housing;

“municipality” means a city, town, village, improvement district or township;

“person” includes an individual, sole proprietorship, partnership, limited partnership, unincorporated association, unincorporated syndicate, unincorporated organization, trust, body corporate, and a natural person in his or her capacity as trustee, executor, administrator or other legal representative;

“prescribed” means prescribed by the regulations;

“regulations” means regulations made under this Act;

1983, c. 1

“related group of buildings” means buildings that are under the same ownership and on the same parcel of land as defined in section 45 of the *Planning Act, 1983*;

“rental property” means a building or related group of buildings containing one or more rental units, but does not include a condominium;

“rental unit” means premises used as rented residential premises and includes premises that have been used as rented residential premises and are vacant;

“rented residential premises” includes a room in a boarding house or lodging house;

R.S.O. 1980,
c. 232

“spouse” means a spouse as defined in clause 1 (ca) of the *Landlord and Tenant Act*.

APPLICATION OF ACT

Application
of Act

2.—(1) This Act applies to rental property situate in any municipality in Ontario, except a municipality that is exempted by the regulations, despite any other Act and despite any agreement to the contrary.

Idem

(2) Despite subsection (1), this Act applies to rental property situate in any municipality in Ontario in respect of a pro-

posed conversion of rental property to a co-operative or condominium.

3.—(1) This Act, or such part or parts thereof as are specified in the regulations, does not apply to rental units or rental properties or categories thereof that are exempted by the regulations for such general or special purposes as are specified therein. Exemptions

(2) A rental property is exempt from this Act if the number of residential units in the property, including the number of rental units, is four or fewer. Idem

(3) Subsection (2) does not apply in respect of a proposed conversion of rental property to a condominium. Exception

(4) This Act does not apply to premises that have been used as rented residential premises and are vacant if, Exemption

- (a) immediately before becoming vacant, the premises were used as something other than rented residential premises; and
- (b) the premises were converted to the use referred to in clause (a) without contravening this Act or a predecessor thereof.

PROHIBITIONS

4.—(1) No rental property, or part thereof, shall be, Prohibition

- (a) demolished;
- (b) converted to use as a condominium, co-operative, hotel, motel, tourist home, inn or apartment hotel, or to any use for a purpose other than rental property; or
- (c) renovated or repaired if,
 - (i) a tenant is in possession of a rental unit and vacant possession of the rental unit would be required, or
 - (ii) the repair or renovation is to a vacant rental unit and is so extensive that, were the rental unit occupied, vacant possession of the unit would be required,

by any person unless the council of the municipality in which the property is situate approves of the demolition, conversion, renovation or repair.

Where
s. 4 (1) (b)
does not
apply

(2) Clause (1) (b) does not apply so as to require the approval of the council of the municipality if the conversion of rental property, or part thereof, is to use for the purposes of occupation by,

R.S.O. 1980,
c. 232

(a) a person referred to in section 105 of the *Landlord and Tenant Act*, except that approval is required where the occupation is pursuant to a notice of termination given on the grounds set out in that section if,

(i) another notice of termination has been given on the grounds set out in the said section 105 in respect of any rental unit in the rental property and the tenant thereof has vacated the premises pursuant to that other notice, unless three years have passed since the date the other notice was specified to be effective, or

(ii) within any sixty-day period, notices of termination are given on the grounds set out in the said section 105 in respect of any two or more rental units in the rental property, and the occupation of the rental units is to be by a person or persons referred to in the said section 105;

(b) a person who, by reason of being a co-operative interest holder has the right to present or future exclusive possession of a unit in the co-operative, if the co-operative did not result from a conversion from rental property or, where any such conversion took place, the conversion was not in contravention of this Act or a predecessor thereof; or

(c) the spouse or a child or parent of the person mentioned in clause (b) or a child or parent of the spouse of that person.

Where
s. 4 (1)
(a) and (b)
do not apply

(3) Clauses (1) (a) and (b) do not apply so as to require the approval of the council of the municipality where the demolition or conversion affects only those portions of a rental property in which no residential units are situate and in relation to which no vacant possession of a rental unit is required.

(4) For the purposes of this section, a building or part of a building shall be deemed to be an apartment hotel if it contains transient living accommodation which has self-contained bathroom and kitchen facilities and in respect of which accommodation the prescribed criteria are met.

Apartment
hotel

5.—(1) No consent shall be given under subsection 52 (1) of the *Planning Act, 1983* in respect of a rental property unless the council of the municipality in which the property is situate approves of the consent.

Approval
required for
severance
1983, c. 1

(2) Nothing in subsection (1) prevents a consent being given that is conditional on the approval of the council of the municipality being obtained.

Conditional
consent

6. If an approval is required under this Act, no permit, licence, consent, permission or approval under the following provisions shall be granted in respect of the rental property to which the approval under this Act relates until the certificate has been issued under subsection 13 (6):

Restriction
on issuing of
licences,
permits, etc.

1. A permit to construct or demolish a building under section 5 of the *Building Code Act*.
R.S.O. 1980, c. 51
2. A consent under section 33 or 34 of the *Ontario Heritage Act*.
R.S.O. 1980, c. 337
3. A permit under section 43 of the *Ontario Heritage Act*.
4. A minor variance under section 44 of the *Planning Act, 1983*.
5. A demolition permit under section 33 of the *Planning Act, 1983*.
6. Except as otherwise prescribed, a business licence under any provision of the *Municipal Act*.
R.S.O. 1980, c. 302
7. A licence under section 4 of the *Tourism Act*.
R.S.O. 1980, c. 507
8. An approval under section 3 of the *Hotel Fire Safety Act*.
R.S.O. 1980, c. 207
9. Such other provisions as are prescribed under which a permit, licence, consent, permission or approval is granted.

CO-OPERATIVES

Prohibition,
co-operatives

7.—(1) No person shall sell, enter into an agreement to sell, lease or enter into an agreement to lease an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative or enter into any other arrangement or transaction that has the effect of transferring an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative except where the co-operative did not result from a conversion from rental property, or, where any such conversion took place, the conversion was not in contravention of this Act or a predecessor thereof.

Exception

(2) Subsection (1) does not apply to a lease or an agreement to lease an interest in a co-operative, or in a corporation owning or leasing any interest in a co-operative, for a term, including any entitlement to a renewal or renewals, of less than twenty-one years.

Exemption

(3) This section does not apply to the transfer of an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative that is exempted by the regulations.

Consequences
of
contravention

(4) A conveyance, lease, agreement, arrangement or transaction entered into in contravention of subsection (1) is voidable at the instance of the person who acquired the interest in the co-operative or in the corporation owning or leasing any interest in the co-operative and any amount paid under the conveyance, lease, agreement, arrangement or transaction is recoverable by the person who so acquired the interest.

Interpretation

(5) For the purposes of subsections 4 (1) and (2) and this section, the conversion from rental property to the co-operative occurs when the first lease or sale of an interest in rental property or of a share in a corporation owning or leasing any interest in rental property takes place that carries with it the right to occupy a specific unit in the rental property or when a rental property is transferred or leased to a corporation of the type mentioned in clause (b) of the definition of “co-operative” in section 1, and, for the purposes of this subsection, where a lease or sale of a share or interest takes place, the lease or sale shall be deemed to have occurred on the day the agreement to enter into the lease or the agreement for sale was entered into.

Idem

(6) For the purposes of subsection (5), “lease or sale” means any arrangement or transaction that has the effect of transferring an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative.

CONDOMINIUMS

8.—(1) The council of a municipality, when considering an application for conversion to a condominium under clause 4 (1) (b), shall also, in the place of the Minister of Municipal Affairs, exercise the powers conferred on the Minister of Municipal Affairs under section 50 of the *Condominium Act* respecting the approval or exemption of descriptions.

Power of council

R.S.O. 1980, c. 84

(2) The consideration by council of an application for condominium conversion under clause 4 (1) (b) is independent of the powers exercised by council under section 50 of the *Condominium Act*, but no final approval shall be given under section 50 unless approval has been obtained under this Act.

Two separate matters

TERMINATION OF TENANCIES

9.—(1) No notice of termination shall be given on the grounds set out in section 107 of the *Landlord and Tenant Act* unless the approval of the council of the municipality under subsection 4 (1) has been obtained, where such approval is required, and a copy of the certificate issued under subsection 13 (6) is given at the time the notice is given.

Certificate required for valid notice
R.S.O. 1980, c. 232

(2) A notice of termination given in contravention of subsection (1) is void.

Notice void

(3) Despite section 113 of the *Landlord and Tenant Act*, no order for a writ of possession shall be issued in respect of the grounds set out in section 107 of that Act, even if the notice of termination was given or application made for a writ of possession before the coming into force of this Act, unless the approval of the council of the municipality under subsection 4 (1) of this Act or a predecessor thereof, as the case may be, has been obtained where such approval is required.

Restriction re: writ of possession

10.—(1) No notice of termination shall be given on the grounds set out in section 105 of the *Landlord and Tenant Act* unless the approval of the council of the municipality under subsection 4 (1) has been obtained, where such approval is required, and a copy of the certificate issued under subsection 13 (6) is given at the time the notice is given.

Certificate or exemption required for valid notice

(2) A notice of termination given in contravention of subsection (1) is void.

Notice void

(3) Despite section 113 of the *Landlord and Tenant Act*, no order for a writ of possession shall be issued in respect of the grounds set out in section 105 of that Act, even if the notice of termination was given or application made before the com-

Restriction re: writ of possession
R.S.O. 1980, c. 232

ing into force of this Act, unless the approval of the council of the municipality under subsection 4 (1) has been obtained, where such approval is required.

APPLICATIONS

Application
for approval

11.—(1) An owner of rental property may apply in writing for an approval under this Act to the clerk of the municipality and the application shall contain such information as may be prescribed.

Notice to
tenants

(2) Notice in the prescribed form of the application shall be given in the prescribed manner by the applicant to each tenant of a rental unit in the rental property within five days of the application being made.

Notice by
municipality

(3) The council of the municipality shall give a copy of the application and a request for written comments, together with such additional material as may be prescribed, to such persons and in such manner as is prescribed.

Inspection
and report

(4) The council of the municipality may require an applicant to cause an architect, professional engineer or other qualified person to make a physical inspection of the rental property and to make a report on matters determined by the municipality to be of concern or it may require that the inspection be made and report prepared by its chief building official.

Entry for
inspection

(5) For the purposes of an inspection under subsection (4), a person authorized to inspect a rental unit has the right to enter the rental unit at reasonable times upon giving at least twenty-four hours written notice to the tenant specifying the time of entry and a tenant shall permit the entry of such person during that time.

Copy of
report made
available

(6) A copy of the report referred to in subsection (4) shall be made available by the municipality for inspection by the public.

Power of
council

(7) The council may approve the application with or without such conditions as in its opinion are reasonable or reject the application but council shall not approve the application unless such criteria as are prescribed are met.

Information
and public
meeting

(8) Before considering an application under this section, the council shall ensure that adequate information is made available to the public, and for this purpose shall hold at least one public meeting, notice of which shall be given in such

form and content and in such manner and to such persons as are prescribed.

(9) The meeting mentioned in subsection (8) shall be held not sooner than fifteen days after the requirements for the giving of notice of the meeting have been complied with and any person who attends the meeting shall be afforded an opportunity to make representation in respect of the proposed application.

Time for meeting, etc.

(10) Written notice of the decision of council, including the reasons for the decision and the time limit within which the decision may be appealed to the Ontario Municipal Board, shall be sent within five days of the making thereof to the applicant, to every person who in writing requested to be given notice of the decision and to every other prescribed person.

Notice of decision

12.—(1) Every municipality may enter into agreements imposed as a condition to an approval under this Act and any such agreement may be registered against the land to which it applies.

Agreements

(2) The municipality is entitled to enforce the provisions of the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any subsequent owner of the land.

Enforcement
R.S.O. 1980,
cc. 445, 230

(3) Where the terms of an agreement registered under subsection (1) have been complied with or where the time during which the agreement is to remain in effect has expired, the municipality shall cause to be registered in the proper land registry office a certificate signed by the clerk of the municipality stating that the terms of the agreement have been complied with or that the time the agreement is to remain in effect has expired, as the case may be, and thereupon the land against which the agreement is registered is free and clear of the terms of the agreement.

Certificate agreement complied with, etc.

APPEALS

13.—(1) Where the council refuses or neglects to make a decision on the application made in accordance with this Act within thirty days of the receipt of the application by the clerk of the municipality, the applicant may appeal to the Ontario Municipal Board by filing with the clerk of the municipality a notice of appeal.

Appeal to O.M.B.

(2) Any person who is not satisfied with the decision of council may, not later than twenty days after the date of the

Appeal of decision to O.M.B.

decision, appeal to the Ontario Municipal Board by filing with the clerk of the municipality a notice of appeal setting out the objection to the decision and the reasons for the objection.

Record

(3) The clerk of the municipality, upon receipt of a notice of appeal under subsection (1) or (2), shall compile a record and forward the notice of appeal and the record to the secretary of the Ontario Municipal Board and shall provide such information or material as the Board may require in respect of the appeal.

Hearing

(4) The Ontario Municipal Board shall hold a hearing and has the same authority as does the council under subsection 11 (7) but, if all appeals have been withdrawn before the hearing, the decision of the council is final and the secretary of the Board shall notify the clerk of the municipality who shall notify the applicant.

No petition
from O.M.B.
R.S.O. 1980,
c. 347

(5) Despite section 94 of the *Ontario Municipal Board Act*, there is no right to file a petition under that section in respect of an order or decision of the Board made in respect of a matter appealed to the Board under this Act.

Certificate
that approval
given

(6) When an approval has been given under this Act by the municipality or the Ontario Municipal Board, the clerk of the municipality shall issue a certificate in the prescribed form to the applicant stating that the approval has been given.

When
certificate of
approval to
be issued

(7) No certificate of approval shall be issued until the time for an appeal has passed or until the appeal has been disposed of, whichever is later and, until the certificate is issued, no person shall commence the activity mentioned in subsection 4 (1) or carry out the transaction to which the consent mentioned in subsection 5 (1) relates, as the case may be.

Conditions to
be fulfilled

(8) Where a condition has been imposed, the certificate shall not be given until the council is satisfied that the condition has been fulfilled.

Certificate
conclusive

(9) The certificate issued under subsection (6) is conclusive evidence that the approval was given and that the provisions of this Act leading to the approval have been complied with.

Idem

(10) After the certificate has been issued, no action may be maintained to question the validity of the approval, but nothing in this subsection prevents an application for judicial review or an appeal to the Divisional Court as may be provided by law or any further appeal therefrom.

INSPECTIONS

14.—(1) The Minister or a municipality may designate as inspectors such employees of the Ministry or of the municipality respectively as are considered necessary by the Minister or the municipality for the purposes of ensuring that this Act and the regulations are complied with. Inspectors

(2) An inspector may, on giving twenty-four hours prior written notice to the owner of the rental property of the intention to do so, at reasonable times and on producing proper identification, Inspection

- (a) enter and inspect any rental property except any room or place therein actually used as a dwelling; and
- (b) upon giving a receipt therefor, remove from the rental property any document or thing found during the course of the inspection, and that may be relevant thereto, for the purpose of making copies or extracts and shall promptly thereafter return them to the rental property from which they were removed.

(3) No person shall hinder, obstruct or interfere with an inspector in the exercise of the right of entry and inspection and removal of documents or things conferred under subsection (2). Obstruction

(4) Where a justice of the peace is satisfied by evidence under oath, Warrant to enter and inspect rental property

- (a) that the entry and inspection of a rental property is authorized under subsection (2) and is reasonably necessary in the enforcement of this Act; and
- (b) that an inspector has been denied access to the rental property or that there are reasonable grounds to believe that access would be refused,

the justice of the peace may issue a warrant in the prescribed form authorizing an inspector named in the warrant to enter and inspect the rental property, by the use of force if necessary, together with such police officers as may be called upon to assist the inspector, and upon giving a receipt therefor, to remove from the rental property any document or thing found during the course of the inspection, and that may be relevant thereto, for the purpose of making copies or extracts and shall

promptly thereafter return them to the rental property from which they were removed.

When to be
executed and
expiry

(5) A warrant issued under subsection (4) shall be executed at reasonable times as specified in the warrant and the warrant shall state the date upon which it expires which date shall not be later than fifteen days after the warrant is issued.

Entry into
common
areas

(6) On the invitation to do so by the occupier of a rental unit, an inspector may enter and inspect any common areas of the rental property in which the rental unit is located and to which the occupier has a right of access.

Entry into
dwelling
place

(7) Except under the authority of a warrant issued under subsection (8), an inspector shall not enter any room or place actually used as a dwelling for the purposes of inspecting that dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a warrant.

Warrant to
enter and
search

(8) Where a justice of the peace is satisfied by evidence under oath,

- (a) that there is reasonable and probable ground for believing that an offence under this Act has been committed; and
- (b) that there is reasonable and probable ground for believing that the entry into and search of any building, receptacle or place will afford evidence as to the commission of the offence,

the justice of the peace may issue a warrant in the prescribed form authorizing an inspector named in the warrant to enter and search the building, receptacle or place, by the use of force if necessary, together with such police officers as may be called upon to assist the inspector, and upon giving a receipt therefor, to remove from the building, receptacle or place any document or thing that may afford evidence of the offence for the purpose of making copies or extracts and shall promptly return them to the building, receptacle or place from which they were removed.

When to be
executed and
expiry

(9) A warrant issued under subsection (8) shall be executed at reasonable times as specified in the warrant and the warrant shall state the date upon which it expires which date shall not be later than fifteen days after the warrant is issued.

(10) Copies of or extracts from documents and things removed under this section and certified as being true copies of, or extracts from, the originals by the person who made them are admissible in evidence to the same extent as, and have the same evidentiary value as, the documents or things of which they are copies or extracts.

Admissibility
of copies

GENERAL

15.—(1) The council of a municipality may by by-law establish fees for the processing of an application made under this Act.

Fees

(2) The fees shall not exceed the anticipated cost to the municipality of processing the application and of having its chief building official make an inspection of the rental property.

Idem

16. The Minister may make grants to municipalities to assist them in training their employees in the administration of this Act.

Grants to
municipalities

17.—(1) Where, on an application made to the District Court or the Supreme Court by a tenant, former tenant, municipal corporation or the Minister, the court determines that an owner or tenant of rental property or person acting on behalf of the owner or tenant has converted, has attempted to convert or is in the process of converting the property or part thereof to a condominium, co-operative, hotel, motel, tourist home, inn or apartment hotel, or to any use for a purpose other than rental property without the approval of council under subsection 4 (1), where such approval was required, the court may make one or more of the following orders:

Restraining,
etc., order

1. An order restraining the owner or tenant or person acting on behalf of the owner or tenant from converting or continuing to convert the property.
2. An order requiring the owner or tenant or any subsequent owner or tenant to return the property to the use to which it was being put immediately prior to the conversion or attempted conversion.
3. An order restoring the tenancy and putting the tenant of a rental unit back into possession.

(2) An order made under subsection (1) may require the owner or tenant or any subsequent owner or tenant or person acting on behalf of any one of them, as the case requires, to

Idem

take such steps as the court considers necessary to give effect to the order.

Joint
application

(3) A joint application may be brought by persons who are eligible to bring an application under subsection (1).

Remedies are
additional

(4) The remedies provided by this section are in addition to any other remedies existing by law.

Regulations

18. The Lieutenant Governor in Council may make regulations,

- (a) exempting any municipality or part thereof from this Act;
- (b) exempting rental units or rental properties, or categories thereof, from this Act or any part or parts thereof for such general or specific purposes as are specified;
- (c) prescribing, for the purposes of subsection 11 (7), the criteria upon which approval may be granted or refused by a municipality under subsection 4 (1) or 5 (1);
- (d) prescribing, for the purposes of subsection 4 (4), criteria to be met by transient living accommodation;
- (e) exempting the transfer of an interest in a co-operative or in a corporation owning or leasing any interest in a co-operative or any category of co-operatives from section 7;
- (f) prescribing, for the purposes of paragraph 6 of section 6, provisions of the *Municipal Act* respecting a business licence to which that paragraph does not apply;
- (g) prescribing, for the purposes of section 6, additional provisions respecting a permit, licence, consent, permission or approval;
- (h) prescribing the information to be contained in an application under subsection 11 (1);
- (i) prescribing the form of notice to be given and the manner in which notice is to be given under subsection 11 (2);

R.S.O. 1980,
c. 302

- (j) prescribing, for the purposes of subsection 11 (3), the persons to whom and the manner in which the copy of the application is to be given by the council and prescribing additional material to be given with the copy of the application;
- (k) prescribing, for the purposes of subsection 11 (8), the form and content of the notice and the manner in which and the persons to whom the notice is to be given by the council;
- (l) prescribing, for the purposes of subsection 11 (10), other persons to whom notice of the decision of council shall be given;
- (m) prescribing the form of the certificate of approval under subsection 13 (6);
- (n) prescribing, for the purposes of subsection 14 (4), the form of a warrant to enter and inspect, and for the purposes of subsection 14 (8), the form of a warrant to enter and search;
- (o) prescribing anything that by this Act is to be or may be prescribed.

OFFENCES

19. Every person who contravenes subsection 4 (1), 7 (1), 9 (1), 10 (1) or 14 (3), and every director or officer of a corporation who authorized, permitted or acquiesced in the contravention by the corporation, is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both, but no person is guilty of an offence if the person did not know, and in the exercise of due diligence could not have known, of the contravention. Offence

20.—(1) No owner of rental property or person acting on the owner's behalf shall interfere with the reasonable enjoyment of a rental unit in the rental property by the tenant thereof with the intent of discouraging the participation of the tenant in the application process described in section 11 or the appeal process described in section 13 or with the intent of otherwise facilitating the obtaining of the approval of the council of a municipality on an application made under this Act. Harassment
of tenant

(2) Every person who contravenes subsection (1) and every director or officer of a corporation who authorized, permitted Offence

or acquiesced in the contravention is guilty of an offence and on conviction is liable to a fine of not less than \$1,000 and not more than \$50,000 or to imprisonment for a term of not more than one year, or to both, but no director or officer is guilty of an offence if he or she did not know, and in the exercise of due diligence could not have known, of the contravention.

Address of
rental unit

(3) An information commencing a proceeding under this section shall contain the complete municipal address of the rental unit to which the information relates.

Penalty

(4) In addition to levying a fine or imposing a term of imprisonment under subsection (2) and notwithstanding any other remedy existing by law, the court may order that the person convicted pay to the aggrieved tenant an amount not exceeding \$2,000 as a penalty for the unlawful interference.

Civil
remedies not
precluded

(5) No disposition made under subsection (4) precludes the tenant from pursuing any civil remedy existing by law.

Certificate of
conviction to
clerk

(6) A certificate or other proof of a conviction under subsection (2) shall be forwarded by the court to the clerk of the municipality in which the rental unit is situate.

Copy to
contain
address

(7) The certificate or other proof of conviction forwarded to the clerk under subsection (6) shall contain the address of the rental unit as set out in the information.

Restriction
on approval

(8) Where notice of a conviction under subsection (2) is received by the clerk of the municipality, the clerk shall inform the council and no approval shall then be given under subsection 4 (1) or 5 (1) in respect of a rental unit in the same rental property unless,

(a) three years have passed since the date of conviction;
or

(b) an appeal is brought and the conviction is quashed.

Limitation of
action

21. Proceedings shall not be commenced, in respect of an offence under this Act, after two years from the date the offence was, or is alleged to have been, committed.

MISCELLANEOUS

Immunity for
acts done in
good faith

22.—(1) No action or other proceeding for compensation or damages shall be instituted against any officer or employee of the Ministry for any act done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act or the

regulations or for any neglect or default in the performance or exercise in good faith of such duty or power.

(2) No action or other proceeding for compensation or damages shall be instituted against any officer or employee of a municipality for any act done in good faith in the performance or intended performance of any duty or in the exercise or intended exercise of any power under this Act or the regulations or for any neglect or default in the performance or exercise in good faith of such duty or power. Idem

(3) Subsection (1) does not, by reason of subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject and subsection (2) does not relieve a municipal corporation of any liability in respect of a tort committed by a municipal officer or employee to which it would otherwise be subject, and the Crown or the municipal corporation, as the case may be, is liable for any such tort as though subsections (1) and (2) had not been enacted. Liability of Crown and municipality
R.S.O. 1980, c. 393

23.—(1) If all permits required under the *Building Code Act* and the *Planning Act, 1983* for a demolition, renovation or repair have been obtained before the 10th day of July, 1986, or, in respect of vacant rental property, have been obtained before the coming into force of section 24, the approval of council under subsection 4 (1) is not required. Transition
R.S.O. 1980, c. 51
1983, c. 1

(2) If a certificate has been given under subsection 52 (21) of the *Planning Act, 1983* before the 10th day of July, 1986, or, in respect of vacant rental property, has been given before the coming into force of section 24, the approval of council under subsection 5 (1) is not required. Idem

(3) If a draft approval or a commitment for an exemption from an approval has been granted under section 50 of the *Condominium Act* or the Ontario Municipal Board has issued a decision approving an application for conversion to a condominium before the 10th day of July, 1986, or, in respect of vacant rental property, has been granted or issued before the coming into force of section 24, the approval of the council of a municipality under subsection 4 (1) is not required. Condominium conversion
R.S.O. 1980, c. 84

(4) Any proceeding that has been commenced under the *Rental Housing Protection Act, 1986* before the day this section comes into force shall be continued and finally disposed of under that Act, except that no petition may be filed with the Clerk of the Executive Council under subsection 7 (17) of Proceedings continued under
1986, c. 26

R.S.O. 1980,
c. 347

that Act or under section 94 of the *Ontario Municipal Board Act*.

Right to
petition
continued

(5) Despite subsection (4), where a petition has been filed under subsection 7 (17) of the *Rental Housing Protection Act, 1986* before the coming into force of this section, subsections 7 (17) and (18) of the *Rental Housing Protection Act, 1986* continue in force for the purpose of finally disposing of the petition.

24.—(1) The definition of “rental unit” in section 1 of the *Rental Housing Protection Act, 1986*, being chapter 26, is repealed and the following substituted therefor:

“rental unit” means premises used as rented residential premises and includes premises that have been used as rented residential premises and are vacant.

(2) The said section 1 is amended by adding thereto the following definition:

“rented residential premises” includes a room in a boarding house or lodging house.

(3) Section 3 of the said Act is amended by adding thereto the following subsection:

Idem

(2) This Act does not apply to premises that have been used as rented residential premises and are vacant if,

(a) immediately before becoming vacant, the premises were used as something other than rented residential premises; and

(b) the premises were converted to the use referred to in clause (a) without contravening this Act.

Transition
1986, c. 26

25.—(1) The *Rental Housing Protection Act, 1986*, as amended by section 24 of this Act, applies to rental residential properties even though they are vacant on the day section 24 comes into force.

Idem
R.S.O. 1980,
c. 51
1983, c. 1

(2) Despite subsection (1), if all permits required under the *Building Code Act* and the *Planning Act, 1983* for a demolition, renovation or repair have been obtained before the coming into force of section 24 in respect of a vacant rental residential property, the approval of the council of a municipality under subsection 4 (1) of the *Rental Housing Protection Act, 1986* is not required.

(3) Despite subsection (1), if a certificate has been given under subsection 52 (21) of the *Planning Act, 1983* before the coming into force of section 24 in respect of a vacant rental residential property, the approval of the council of a municipality under subsection 4 (1) of the *Rental Housing Protection Act, 1986* is not required. Idem

(4) Despite subsection (1), the approval of the council of a municipality under subsection 4 (1) of the *Rental Housing Protection Act, 1986* is not required in respect of a vacant rental residential property if, before the coming into force of section 24, Idem,
condominium
conversion

(a) a draft approval or a commitment for an exemption from an approval has been granted under section 50 of the *Condominium Act*; or

R.S.O. 1980,
c. 84

(b) the Ontario Municipal Board has issued a decision approving an application for conversion to a condominium.

26. Subsection 12 (2) of the *Rental Housing Protection Act, 1986*, being chapter 26, as amended by the Statutes of Ontario, 1988, chapter 22, section 1, is repealed.

27.—(1) This Act, except sections 24 and 25, comes into force on the 30th day of June, 1989. Commence-
ment

(2) Sections 24 and 25 shall be deemed to have come into force on the 31st day of January, 1989. Idem

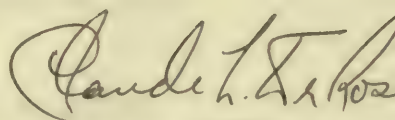
28. The short title of this Act is the *Rental Housing Protection Act, 1989*. Short title

Bill 215

(Chapter 17
Statutes of Ontario, 1990)

An Act to amend the Construction Lien Act, 1983

The Hon. I. Scott
Attorney General



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 12th, 1990
<i>2nd Reading</i>	June 27th, 1990
<i>3rd Reading</i>	June 28th, 1990
<i>Royal Assent</i>	June 28th, 1990

Bill 215

1990

An Act to amend the Construction Lien Act, 1983

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 23 of the *Construction Lien Act, 1983* is repealed and the following substituted: 1983, c. 6

23.—(1) Subject to subsections (2), (3) and (4), an owner is personally liable for holdbacks that the owner is required to retain under this Part to those lien claimants who have valid liens against the owner's interest in the premises. Personal liability of owner

(2) Where the defaulting payer is the contractor, the owner's personal liability to a lien claimant or to a class of lien claimants as defined by section 81 does not exceed the holdbacks the owner is required to retain. Limitation

(3) Where the defaulting payer is a subcontractor, the owner's personal liability to a lien claimant or to a class of lien claimants as defined by section 81 does not exceed the lesser of, Idem

(a) the holdbacks the owner is required to retain; and

(b) the holdbacks required to be retained by the contractor or a subcontractor from the lien claimant's defaulting payer.

(4) The personal liability of an owner under this section may only be determined by an action under this Act. How determined

2. Section 1 does not affect the rights acquired by any person from a judgment or order of any court before this Act receives Royal Assent. Saving

Commence-
ment

3. This Act shall be deemed to have come into force on the 2nd day of April, 1983.

Short title

4. The short title of this Act is the *Construction Lien Amendment Act, 1990*.

Bill 218

*(Chapter 30
Statutes of Ontario, 1989)*

An Act to amend the Environmental Protection Act

The Hon. J. Bradley
Minister of the Environment



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	February 16th, 1989
<i>2nd Reading</i>	May 16th, 1989
<i>3rd Reading</i>	June 19th, 1989
<i>Royal Assent</i>	June 20th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

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Bill 218**1989****An Act to amend the Environmental Protection Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Environmental Protection Act*, being chapter 141 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following Part:

PART V-A**OZONE DEPLETING SUBSTANCES**

47i. In this Part,

Definitions

“designated” means designated by the regulations;

“ozone depleting substance” means a chlorofluorocarbon, a halon or any other substance that has the potential to destroy ozone in the stratosphere.

47j. Sections 47k and 47-l apply only in respect of the following ozone depleting substances: Application

1. CFC-11, also known as fluorotrichloromethane.
2. CFC-12, also known as dichlorodifluoromethane.
3. CFC-113, also known as 1,1,2-trichloro-1,2,2-trifluoroethane.
4. CFC-114, also known as 1,2-dichloro-1,1,2,2-tetrafluoroethane.
5. CFC-115, also known as 1-chloro-1,1,2,2,2-pentafluoroethane.
6. Halon-1211, also known as bromochlorodifluoromethane.

7. Halon-1301, also known as bromotrifluoromethane.
8. Halon-2402, also known as dibromotetrafluoroethane.
9. Such other ozone depleting substances as may be designated.

Prohibition

47k. No person shall, after the 1st day of July, 1989, make, use, transfer, display, transport, store or dispose of,

- (a) any thing, other than a prescription drug, containing an ozone depleting substance that acts as a propellant; or
- (b) any designated thing or any thing of a designated class if that thing contains an ozone depleting substance.

Prohibition

47-l. No person shall, after the 1st day of July, 1989, make, use, transfer, display, transport, store or dispose of,

- (a) any packaging, wrapping or container that is made in a manner that uses an ozone depleting substance; or
- (b) any designated thing or any thing of a designated class if that thing is made in a manner that uses an ozone depleting substance.

2. Section 136 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 52, section 23, 1986, chapter 68, section 11 and 1988, chapter 54, section 45, is further amended by adding thereto the following subsection:

Regulations relating to Part V-A

(4a) The Lieutenant Governor in Council may make regulations relating to Part V-A,

- (a) designating any matter referred to in the Part as designated;
- (b) classifying ozone depleting substances, things containing an ozone depleting substance and things made in a manner that uses an ozone depleting substance, providing for exemptions in respect of any such class from any requirement of the Part or of the regulations made under this subsection, and prescribing conditions for any such exemption;

- (c) respecting the making, use, transfer, display, transportation, storage, recycling or disposal of things containing an ozone depleting substance and of things made in a manner that uses an ozone depleting substance;
- (d) prescribing that designated industries devote a designated percentage of their budget to undertake research and development to develop substitutes for ozone depleting substances.

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

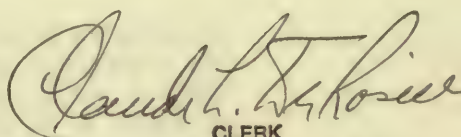
4. The short title of this Act is the *Environmental Protection Amendment Act, 1989*. Short title

Bill 219

*(Chapter 54
Statutes of Ontario, 1989)*

An Act to amend the Highway Traffic Act

The Hon. W. Wrye
Minister of Transportation



**CLERK
LEGISLATIVE ASSEMBLY**

<i>1st Reading</i>	February 27th, 1989
<i>2nd Reading</i>	October 10th, 1989
<i>3rd Reading</i>	October 16th, 1989
<i>Royal Assent</i>	October 16th, 1989

*Continued from the 1st Session by an Order of the
Legislative Assembly of March 2nd, 1989.*

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Bill 219

1989

An Act to amend the Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 (1) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 48, section 1 and 1983, chapter 63, section 1, is further amended by renumbering paragraph 1 as paragraph 1a and by adding thereto the following paragraph:

1. “bicycle” includes a tricycle and unicycle but does not include a motor assisted bicycle.

(2) Paragraph 17 of the said subsection 1 (1) is repealed and the following substituted therefor:

17. “median strip” means the portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or a raised or depressed paved or unpaved separation area that is not intended to allow crossing vehicular movement.

(3) Paragraph 39 of the said subsection 1 (1), as amended by the Statutes of Ontario, 1983, chapter 63, section 1, is further amended by inserting after “machine” in the second line “bicycle”.

2. Subsection 5 (2) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 21, section 1, is amended by inserting after “fee” in the first line “or tax”.

3. The said Act is amended by renumbering section 17a as 17f and by adding thereto the following Part:

PART II-A

PARKING PERMITS

Issuance of
disabled
person
parking
permits

17a.—(1) The Minister shall issue a disabled person parking permit to every person or organization that applies therefor and meets the requirements of the regulations.

Term

(2) A disabled person parking permit is in force during the period of time shown on the permit.

Cancellation
of permit

(3) The Minister may cancel a disabled person parking permit or may refuse to issue a replacement permit if the permit has been used in contravention of this Part or the regulations or of a municipal by-law passed under paragraph 119 or 150 of section 210 of the *Municipal Act*.

R.S.O. 1980,
c. 302

Refusal to
issue new
permit

(4) If the Minister cancels a disabled person parking permit, the Minister may refuse to issue a new permit to the holder of the cancelled permit.

Offence

17b. No person shall,

- (a) have in his or her possession a disabled person parking permit that is fictitious, altered or fraudulently obtained;
- (b) display a disabled person parking permit otherwise than in accordance with the regulations;
- (c) fail or refuse to surrender a disabled person parking permit in accordance with this Part or the regulations; or
- (d) use a disabled person parking permit on land owned and occupied by the Crown otherwise than in accordance with the regulations.

Reasonable
inspection

17c.—(1) Every person having possession of a disabled person parking permit shall, upon the demand of a police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of this Act, surrender the permit for reasonable inspection to ensure that the provisions of this Part and the regulations and any municipal by-law passed under paragraph 119 or 150 of section 210 of the *Municipal Act* are being complied with.

R.S.O. 1980,
c. 302

Officer may
take
possession of
the permit

(2) An officer or cadet to whom a disabled person parking permit has been surrendered may retain it until disposition of

the case if the officer or cadet has reasonable ground to believe that the permit,

- (a) was not issued under this Part;
- (b) was obtained under false pretences;
- (c) has been defaced or altered;
- (d) has expired or been cancelled; or
- (e) is being or has been used in contravention of the regulations or of a by-law passed under paragraph 119 or 150 of section 210 of the *Municipal Act*.

R.S.O. 1980,
c. 302

17d. The following items, if valid immediately before this Part comes into force, shall be deemed to be a disabled person parking permit until the earlier of their expiry date, if not for this Part, and the day that is six months after this Part comes into force:

Number
plates and
permits
issued before
this Part
comes into
force

1. A number plate bearing the symbol for the disabled issued under this Act and displayed in accordance with the regulations as they exist immediately before this Part comes into force.
2. A permit issued by a municipality under paragraph 119 of section 210 of the *Municipal Act* as it exists immediately before this Part comes into force.

17e. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) prescribing any form for the purposes of this Part and requiring its use;
- (b) respecting the issuance, renewal, cancellation, replacement and disposal of disabled person parking permits;
- (c) prescribing the requirements for obtaining a disabled person parking permit;
- (d) prescribing the period of time or the method of determining the period of time during which disabled person parking permits shall be in force;
- (e) governing the manner of displaying disabled person parking permits on or in vehicles;

- (f) requiring the erection of signs and the placing of markings to identify designated parking spaces for the use of vehicles displaying a disabled person parking permit, and prescribing the types, content and location of such signs and markings;
- (g) prescribing the conditions of use of a disabled person parking permit on land owned and occupied by the Crown;
- (h) requiring and governing the surrender of disabled person parking permits;
- (i) providing for and governing the recognition of permits, number plates and other markers and devices issued by other jurisdictions as being equivalent to disabled person parking permits issued under this Part.

4. Subsection 18 (2a) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 2, is amended by inserting after "licences" in the second line "or provides any other service in relation to licences".

5.—(1) Subclause 18 (5) (a) (i) of the said Act is amended by inserting after "conditions" in the second line "or endorsements".

(2) Subclause 18 (5) (b) (i) of the said Act is amended by inserting after "conditions" in the first line "or endorsements".

6. Subsection 21 (1) of the said Act is repealed and the following substituted therefor:

Displaying
licence that
has been
suspended,
altered, etc.

- (1) No person shall,
 - (a) display or cause or permit to be displayed or have in his or her possession a fictitious, altered or fraudulently obtained driver's licence;
 - (b) display or cause or permit to be displayed or have in his or her possession a cancelled, revoked or suspended driver's licence other than a Photo Card portion thereof;
 - (c) lend his or her driver's licence or any portion thereof or permit the use of it by another person;

- (d) display or represent as his or her own a driver's licence not issued to him or her;
- (e) apply for, secure or retain in his or her possession more than one driver's licence; or
- (f) fail to surrender to the Ministry upon its demand a driver's licence that has been suspended, revoked or cancelled.

(1a) In subsection (1), "licence" includes any portion thereof. Idem

(1b) Any police officer who has reason to believe that any person has in his or her possession a driver's licence or portion thereof referred to in subsection (1) may take possession of the licence or portion thereof and, where the officer does so, shall forward it to the Registrar upon disposition of the case. Seizing licence

7.—(1) Subsection 26 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 61, section 1, is amended by striking out "clauses (1) (b) and (c)" in the third line and inserting in lieu thereof "clauses (1) (f) and (g)".

(2) Subsection 26 (2a) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 61, section 1, is amended by striking out "Clauses (1) (b) and (c)" in the first line and inserting in lieu thereof "Clauses (1) (f) and (g)".

8. Clause 43 (b) of the said Act is amended by adding at the end thereof "and a vehicle designated in writing by the Fire Marshal of Ontario as a "fire department vehicle" ”.

9.—(1) Section 46 of the said Act, as amended by the Statutes of Ontario, 1985, chapter 13, section 9, is further amended by adding thereto the following subsections:

(2a) No person shall ride a bicycle on a highway unless it is equipped with at least one brake system acting on the rear wheel that will enable the rider to make the braked wheel skid on dry, level and clean pavement. Brakes on bicycle

(2b) In subsection (2a), "bicycle" has its ordinary meaning and does not include a unicycle or tricycle. Meaning of bicycle

(2) Clause 46 (4) (a) of the said Act is amended by inserting after "(2)" in the third line "(2a)".

(3) Subsection 46 (4) of the said Act is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding thereto the following clause:

- (c) exempting any person or class of persons or any class of bicycles from subsection (2a) and prescribing conditions for any such exemption.

10. Subsection 57 (5) of the said Act is amended by striking out “bicycle and tricycle” in the first and second lines and inserting in lieu thereof “and bicycle”.

11. Section 84 of the said Act is amended by adding thereto the following subsection:

Adoption by
reference

- (2) Any regulation made under clause (1) (b) may adopt by reference any code, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary and may require compliance with any code that is adopted.

12. Section 90 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 28, section 3, is further amended by adding thereto the following subsection:

Idem

- (6a) No person shall drive a motor vehicle on a highway in which there is a child passenger weighing less than twenty-three kilograms who does not occupy, if available, a seating position for which a seat belt assembly is provided.

13. Clause 92 (1) (b) of the said Act is repealed and the following substituted therefor:

- (b) road service vehicles as defined in Part IX and includes such vehicles while they are travelling to and from a maintenance site or repair centre.

14. Clause 109 (12) (a) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 21, section 8, is further amended by striking out “a motor vehicle of a municipal fire department” in the first line and inserting in lieu thereof “a fire department vehicle as defined in section 43”.

15. Section 113 of the said Act is amended by adding thereto the following subsection:

Exception

- (2) Subsection (1) does not apply to a road service vehicle as defined in Part IX.

16. Section 113a of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 21, section 9, is amended by adding thereto the following clause:

- (aa) "road service vehicle" means a vehicle operated by or on behalf of a municipality or other authority having jurisdiction and control of a highway while the vehicle is being used for highway maintenance purposes.

17. Subsection 114 (4) of the said Act is amended by striking out "vehicle or road-building machine while it is being used for maintenance of the highway" in the first, second and third lines and inserting in lieu thereof "road service vehicle".

18. Section 120 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 21, section 14, is further amended by adding thereto the following subsection:

- (6) No person shall ride a bicycle across a roadway within a pedestrian crosswalk. Riding in
pedestrian
crosswalks
prohibited

19. Section 121 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 21, section 15, is further amended by adding thereto the following subsections:

- (3a) A driver of a road service vehicle entering an intersection within a lane other than one described in subsection (2) or (3) may make a right turn from the approach lane if the turn can be safely made. Exception

.

- (6a) A driver of a road service vehicle entering an intersection within a left-turn lane may leave the intersection without turning to the left if the movement can be safely made. Exception

20. Section 122 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 27 and 1984, chapter 61, section 5, is further amended by adding thereto the following subsection:

- (4a) Notwithstanding clause (4) (b), a person on a bicycle may indicate the intention to turn to the right by extending the right hand and arm horizontally and beyond the right side of the bicycle. Idem

21. Section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 21, section 16, is amended by adding thereto the following subsection:

Exception

(9a) Notwithstanding subsection (9), a driver of a road service vehicle in a left-turn lane may proceed through the intersection without turning to the left if the movement can be safely made, there is showing a circular green or green arrow indication for the through traffic movement, and the driver,

- (a) where the applicable left-turn traffic control signal is showing a circular red indication, first brings the vehicle to a stop; and
- (b) where the operation of any other vehicle may be affected, indicates his or her intention to proceed through the intersection without turning to the left by giving a plainly visible signal to the driver or operator of the other vehicle.

22. Section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 21, section 16, is amended by adding thereto the following subsection:

Riding in
crosswalks
prohibited

(26a) No person shall ride a bicycle across a roadway within or along a crosswalk at an intersection or at a location other than an intersection which location is controlled by a traffic control signal system.

23. Section 126 of the said Act is repealed and the following substituted therefor:

Slow vehicles
to travel on
right side

126.—(1) Any vehicle travelling upon a roadway at less than the normal speed of traffic at that time and place shall, where practicable, be driven in the right-hand lane then available for traffic or as close as practicable to the right hand curb or edge of the roadway.

Exception

(2) Subsection (1) does not apply to a driver of a,

- (a) vehicle while overtaking and passing another vehicle proceeding in the same direction;
- (b) vehicle while preparing for a left turn at an intersection or into a private road or driveway; or
- (c) road service vehicle.

24. Subsections 127 (1), (2), (3), (4) and (5) of the said Act are repealed and the following substituted therefor:

Passing
meeting
vehicles

(1) Every person in charge of a vehicle on a highway meeting another vehicle shall turn out to the right from the centre

of the roadway, allowing the other vehicle one-half of the roadway free.

(2) Every person in charge of a vehicle or on horseback on a highway who is overtaken by a vehicle or equestrian travelling at a greater speed shall turn out to the right and allow the overtaking vehicle or equestrian to pass.

Vehicles or
equestrians
overtaken

(2a) Subsections (1) and (2) do not apply to a person in charge of a road service vehicle or a road-building machine or apparatus while the machine or apparatus is engaged in the construction of a highway.

Exception

(3) Every person in charge of a vehicle on a highway meeting a person travelling on a bicycle shall allow the cyclist sufficient room on the roadway to pass.

Vehicles
meeting
bicycles

(4) Every person in charge of a vehicle or on horseback on a highway who is overtaking another vehicle or equestrian shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or equestrian overtaken, and the person overtaken is not required to leave more than one-half of the roadway free.

Vehicles or
equestrians
overtaking
others

(5) Every person on a bicycle or motor assisted bicycle who is overtaken by a vehicle or equestrian travelling at a greater speed shall turn out to the right and allow the vehicle or equestrian to pass and the vehicle or equestrian overtaking shall turn out to the left so far as may be necessary to avoid a collision.

Bicycles
overtaken

25. Section 128 of the said Act is repealed and the following substituted therefor:

128.—(1) No vehicle shall be driven or operated to the left of the centre of a roadway designed for one or more lines of traffic in each direction,

Driving to
left of centre
prohibited
under certain
conditions

(a) when approaching the crest of a grade or upon a curve in the roadway or within 30 metres of a bridge, viaduct or tunnel where the driver's view is obstructed within that distance so as to create a potential hazard in the event another vehicle might approach from the opposite direction; or

(b) when approaching within 30 metres of a level railway crossing.

(2) Subsection (1) does not apply,

Exception

- (a) on a highway divided into clearly marked lanes where there are more such lanes for traffic in one direction than in the other direction;
- (b) to a road service vehicle where precautions are taken to eliminate the hazard; or
- (c) on a highway while it is designated for the use of one-way traffic.

26. Subsection 129 (3) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 48, section 17, is amended by striking out “or” at the end of clause (c), by adding “or” at the end of clause (d) and by adding thereto the following clause:

- (e) a road service vehicle.

27.—(1) Clause 133 (c) of the said Act is repealed and the following substituted therefor:

- (c) any lane may be designated for slowly moving traffic, traffic moving in a particular direction or classes or types of vehicles and, notwithstanding section 121, where a highway is so designated and official signs indicating the designation are erected, every driver shall obey the instructions on the official signs.

(2) Section 133 of the said Act is amended by adding thereto the following subsection:

Exception

- (2) Where safety is not jeopardized, clauses (1) (b) and (c) do not apply to road service vehicles and clause (1) (c) does not apply to road-building machines or apparatus while engaged in the construction of a highway.

28. Section 135 of the said Act is amended by adding thereto the following subsection:

Idem

- (2) Notwithstanding clause (1) (a), a road service vehicle may be operated or driven along the shoulder of the highway if the vehicle remains on its side of the separation.

29. Subsection 135a (2) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 48, section 18, is amended by striking out “or” at the end of clause (b), by adding “or” at the end of clause (c) and by adding thereto the following clause:

- (d) the driver of a road service vehicle, if the movement is made in safety.

30.—(1) Subsection 144 (1) of the said Act is amended by striking out “or tricycle” in the second line.

(2) Subsection 144 (2) of the said Act is amended by striking out “or tricycle” in the first and second lines.

31. Section 147 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 33 and 1985, chapter 13, section 13, is further amended by adding thereto the following subsection:

(2b) Subsection (1) does not apply to a road service vehicle Exception that is parked, standing or stopped safely.

32. The said Act is further amended by adding thereto the following section:

147a.—(1) No person shall make or convey an offer of Tow truck services services of a tow truck while that person is within 200 metres of,

- (a) the scene of an accident or apparent accident; or
- (b) a vehicle involved in an accident,

on the King's Highway.

(2) No person shall park or stop a tow truck on the King's Idem Highway within 200 metres of,

- (a) the scene of an accident or apparent accident; or
- (b) a vehicle involved in an accident,

if there is a sufficient number of tow trucks already at the scene to deal with all vehicles that apparently require the services of a tow truck.

(3) Subsections (1) and (2) do not apply to a person who is Idem at the scene of the accident at the request of a police officer, an officer appointed for carrying out the provisions of this Act, a person engaged in highway maintenance or a person involved in the accident.

(4) Every person who contravenes any provision in this section is guilty of an offence and on conviction is liable, Offence

- (a) for a first offence, to a fine of not less than \$200 and not more than \$1,000; and
- (b) for each subsequent offence, to a fine of not less than \$400 and not more than \$2,000, or to imprisonment for a term of not more than six months, or to both.

Idem

(5) An offence under this section committed five years or longer after a previous conviction for an offence under this section is not a subsequent offence for the purposes of clause (4) (b).

33. Section 151 of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 21, section 19 and amended by the Statutes of Ontario, 1984, chapter 61, section 6, is repealed and the following substituted therefor:

Definitions

151.—(1) In this section,

“children” means,

- (a) persons under the age of eighteen, and
- (b) in the case where a school bus is being operated by or under a contract with a school board or other authority in charge of a school for the transportation of children to or from school, includes students of the school;

“developmental handicap” means a condition of mental impairment, present or occurring during a person’s formative years, that is associated with limitations in adaptive behaviour;

“school” does not include a post-secondary school educational institution;

“school bus” means a bus that,

- (a) is painted chrome yellow, and
- (b) displays on the front and rear thereof the words “school bus” and on the rear thereof the words “do not pass when signals flashing”.

Idem

(2) For the purposes of subsection (3), a motor vehicle shall be deemed to be a bus if it is or has been operated under the authority of a permit for which a bus registration or validation fee was paid in any jurisdiction.

(3) No bus, except a bus that at any time during its current validation period is used to transport children or to transport adults who have developmental handicaps, shall be painted chrome yellow. Prohibition

(4) No motor vehicle on a highway, other than a school bus, shall have displayed thereon the words "school bus" or the words "do not pass when signals flashing" or be equipped with a school bus stop arm. Idem

(5) No person shall drive or operate a motor vehicle on a highway that contravenes subsection (3) or (4). Idem

(6) Subject to subsection (9), every school bus driver, Duty of driver to use signals

(a) who is about to stop on a highway for the purpose of receiving or discharging children or receiving or discharging adults who have developmental handicaps, shall actuate the overhead red signal-lights on the bus;

(b) as soon as the bus is stopped for a purpose set out in clause (a), shall actuate the school bus stop arm; and

(c) while the bus is stopped for a purpose set out in clause (a) on a highway that does not have a median strip, shall continue to operate the overhead red signal-lights and stop arm until all passengers having to cross the highway have completed the crossing.

(7) Clause 147 (1) (a) does not apply to a driver who stops in accordance with subsection (6). Exception to cl. 147 (1) (a)

(8) No person shall actuate the overhead red signal-lights or the stop arm on a school bus on a highway under any circumstances other than those set out in subsection (6). Restriction on use of signals

(9) No person shall actuate the overhead red signal-lights or the stop arm on a school bus, Idem

(a) at an intersection controlled by an operating traffic control signal system;

(b) at any other location controlled by an operating traffic control signal system at,

(i) a sign or roadway marking indicating where the stop is to be made,

(ii) the area immediately before entering the nearest crosswalk, if there is no sign or marking indicating where the stop is to be made, or

(iii) a point not less than five metres before the nearest traffic control signal, if there is no sign, marking or crosswalk; or

(c) within sixty metres from a location referred to in clause (a) or (b).

Bus loading
zone

(10) No person shall stop a school bus on a highway for the purpose of receiving or discharging children or receiving or discharging adults who have developmental handicaps,

(a) opposite a designated school bus loading zone; or

(b) at a designated school bus loading zone, except as close as practicable to the right curb or edge of the roadway.

Duty of
drivers when
school bus
stopped

(11) Every driver or street car operator, when meeting on a highway, other than a highway with a median strip, a stopped school bus that has its overhead red signal-lights flashing, shall stop before reaching the bus and shall not proceed until the bus moves or the overhead red signal-lights have stopped flashing.

Idem

(12) Every driver or street car operator on a highway, when approaching from the rear a stopped school bus that has its overhead red signal-lights flashing, shall stop at least twenty metres before reaching the bus and shall not proceed until the bus moves or the overhead red signal-lights have stopped flashing.

Designating
bus loading
zones

(13) A council of a municipality may by by-law designate school bus loading zones, in accordance with the regulations, on highways under its jurisdiction and, where it does so, subsection (6) does not apply to a driver about to stop or stopping in a zone so designated.

When
effective

(14) No by-law passed under subsection (13) becomes effective until the highways or portions thereof affected have signs erected in compliance with this Act and the regulations.

Regulations

(15) The Lieutenant Governor in Council may make regulations,

- (a) respecting the operation of vehicles used for transporting children or for transporting adults who have developmental handicaps;
- (b) prescribing the type, design and colour of vehicles referred to in clause (a) and the markings to be displayed thereon;
- (c) requiring the use of any equipment on or in vehicles referred to in clause (a) and prescribing the standards and specifications of such equipment;
- (d) prescribing the qualifications of drivers of vehicles referred to in clause (a) and prohibiting the operation thereof by unqualified persons;
- (e) requiring the inspection of vehicles referred to in clause (a);
- (f) respecting the designation of school bus loading zones, the location thereof, the erection of signs and the placing of markings on highways;
- (g) prescribing the books and records that shall be kept by persons who operate vehicles used for transporting children or for transporting adults who have developmental handicaps;
- (h) requiring the retention of prescribed books and records within vehicles and prescribing the information to be contained and the entries to be recorded in the books or records.

(16) Any regulation made under subsection (15) may be general or particular in its application. Scope of regulations

(17) Every person who contravenes subsection (11) or (12) is guilty of an offence and on conviction is liable, Penalty

- (a) for a first offence, to a fine of not less than \$100 and not more than \$500; and
- (b) for each subsequent offence, to a fine of not less than \$250 and not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

(18) An offence referred to in subsection (17) committed more than five years after a previous conviction for either of Time limit for subsequent offence

the offences referred to in subsection (17) is not a subsequent offence for the purpose of clause (17) (b).

34. Section 155 of the said Act is amended by adding thereto the following subsection:

Idem

(2) Subsection (1) does not apply to a pedestrian walking a bicycle in circumstances where crossing to the left side of the highway would be unsafe.

35. Subsection 158 (1) of the said Act is amended by adding at the end thereof “and prohibiting the use or erection of any sign or type of sign that is not prescribed”.

36. Subsection 169 (1) of the said Act is amended by inserting after “Act” in the ninth line “or the regulations” and by adding at the end thereof “upon the inconsistency arising”.

37.—(1) Subsection 181 (3) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 15, section 12, is amended by inserting after “Act” in the first line “or any municipal by-law regulating or prohibiting parking, standing or stopping”.

(2) Subsection 181 (4) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 63, section 43, is amended by inserting after “Act” in the first line “or any municipal by-law regulating or prohibiting parking, standing or stopping”.

38. Section 184 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 61, section 7 and 1985, chapter 13, section 14, is further amended by adding thereto the following subsection:

Report on
disabled
person
parking
by-law
conviction

R.S.O. 1980,
c. 302

(1c) Notwithstanding subsection (1), a judge, provincial judge or justice of the peace who makes a conviction under a municipal by-law passed under paragraph 119 or 150 of section 210 of the *Municipal Act* for the improper use of a disabled person parking permit issued under section 17a or the clerk of the court in which the conviction is made shall forthwith certify the conviction to the Registrar setting out the name and address of the person convicted, the number of the disabled person parking permit used in the offence, the name and address of the person or organization in whose name the disabled person parking permit is issued, the date the offence was committed and the provision of the by-law contravened.

39. Section 185 of the said Act is amended by adding thereto the following subsection:

(4) Where a licence consists of a Photo Card and a Licence Card, subsections (2) and (3) do not apply to the Photo Card portion thereof. Exception

40. Section 186 of the said Act is amended by adding thereto the following subsection:

(3) Where a licence consists of a Photo Card and a Licence Card, subsections (1) and (2) do not apply to the Photo Card portion thereof. Exception

41. The said Act is further amended by adding thereto the following section:

190a.—(1) A police officer who finds any person contravening any provision under this Act while in charge of a bicycle may require that person to stop and to provide identification of himself or herself. Cyclist to identify self

(2) Every person who is required to stop, by a police officer acting under subsection (1), shall stop and identify himself or herself to the police officer. Idem

(3) For the purposes of this section, giving one's correct name and address is sufficient identification. Idem

(4) A police officer may arrest without warrant any person who does not comply with subsection (2). Idem

42. The said Act is further amended by adding thereto the following section:

192a.—(1) A police officer or an officer appointed for carrying out the provisions of this Act who discovers a vehicle apparently abandoned on or near a highway or a motor vehicle or trailer without proper number plates may take the vehicle into the custody of the law and may cause it to be taken to and stored in a suitable place. Abandoned or unplated vehicles

(2) All costs and charges for removal, care or storage of a vehicle taken or stored under subsection (1) are a lien upon the vehicle that may be enforced in the manner provided by Part III of the *Repair and Storage Liens Act, 1989*. Costs for storage

1989, c. 17

COMPLEMENTARY AMENDMENTS

43.—(1) Paragraph 119 of section 210 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1983, chapter 41, section 1, is repealed and the following substituted therefor:

Parking for
disabled
persons
R.S.O. 1980,
c. 198

119. For exempting the owners and drivers of vehicles displaying a disabled person parking permit issued under and displayed in accordance with the *Highway Traffic Act* and the regulations made thereunder from any provision of a by-law passed by the council under this Act or under any other general or special Act for prohibiting or regulating the parking, standing or stopping of vehicles on any highway or part thereof under the jurisdiction of the council.

(a) A by-law passed under this paragraph,

- (i) may regulate or prohibit the parking, standing or stopping of vehicles displaying a disabled person parking permit, and the provisions authorized by this subclause may be different from and in conflict with the provisions of any other by-law of the municipality for prohibiting or regulating the parking, standing or stopping of vehicles on a highway or part thereof under the jurisdiction of the council,
- (ii) shall prescribe the conditions of use of a disabled person parking permit, and shall prohibit the improper use thereof, and
- (iii) may provide for the removal or impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law.

(2) Paragraph 150 of the said section 210 is repealed and the following substituted therefor:

Parking
facilities for
disabled
persons

R.S.O. 1980,
c. 198

150. For requiring the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces for the sole use of vehicles displaying a disabled person parking permit issued under and displayed in accordance with the *Highway Traffic Act* and the regulations made thereunder and for prohibiting the use of such spaces by other vehicles.

(a) A by-law passed under this paragraph,

- (i) may specify the dimensions of parking spaces to be provided for the sole use of vehicles displaying a disabled person parking permit, and the number of such spaces to be provided by each owner or operator of a parking lot or other parking facility, which number may be based upon a proportion of the total number

of parking spaces in the parking lot or parking facility to which the public has access,

- (ii) shall prescribe the conditions of use of a disabled person parking permit, and shall prohibit the improper use thereof, and
- (iii) may provide for the removal or impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law.

44.—(1) This Act, except sections 3, 9, 18, 22, 32, 33, 37, 38, 41 and 43, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Sections 3, 9, 18, 22, 32, 33, 37, 38, 41 and 43 come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

45. The short title of this Act is the *Highway Traffic Amendment Act, 1989*. Short title

Bill 220

(Chapter 18
Statutes of Ontario, 1990)

An Act to amend the Environmental Protection Act and the Ontario Water Resources Act

The Hon. J. Bradley
Minister of the Environment

CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 13th, 1990
<i>2nd Reading</i>	June 27th, 1990
<i>3rd Reading</i>	June 28th, 1990
<i>Royal Assent</i>	June 28th, 1990

Bill 220

1990

An Act to amend the Environmental Protection Act and the Ontario Water Resources Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

STAYS ON APPEAL

Environmental Protection Act

1. Subsection 122 (2) of the *Environmental Protection Act*, as re-enacted by the Statutes of Ontario, 1983, chapter 52, section 17, is repealed. R.S.O. 1980,
c. 141

2. Section 122b of the Act, as enacted by the Statutes of Ontario, 1983, chapter 52, section 19, is repealed.

3. The Act is amended by adding the following section:

122c.—(1) The commencement of a proceeding before the Board does not stay the operation of a decision or order made under this Act, other than an order to pay the costs of work made under section 124e. No automatic
stay on
appeal

(2) The Board may, on the application of a party to a proceeding before it, stay the operation of a decision or order, other than an order to monitor, record and report. Board may
grant stay

(3) The Board shall not stay the operation of a decision or order if doing so would result in, When stay
may not be
granted

(a) danger to the health or safety of any person;

(b) impairment or serious risk of impairment of the quality of the natural environment for any use that can be made of it; or

- (c) injury or damage or serious risk of injury or damage to any property or to any plant or animal life.

Right to
apply to
remove stay:
new circum-
stances

(4) A party to a proceeding may apply for the removal of a stay if relevant circumstances have changed or have become known to the party since the stay was granted, and the Board may grant the application.

Right to
apply to
remove stay:
new party

(5) A person who is made a party to a proceeding after a stay is granted may, at the time the person is made a party, apply for the removal of the stay, and the Board may grant the application.

Removal of
stay by
Board

(6) The Board, on the application of a party under subsection (4) or (5), shall remove a stay if failure to do so would have one or more of the results mentioned in clauses (3) (a) to (c).

4. Section 123 of the Act, as amended by the Statutes of Ontario, 1981, chapter 49, section 3, is further amended by adding the following subsections:

Decision of
Board not
automatically
stayed on
appeal

(4) An appeal of a decision of the Board to the Divisional Court or to the Minister does not stay the operation of the decision, unless the Board orders otherwise.

Divisional
Court or
Minister may
grant or set
aside stay

(5) Where a decision of the Board is appealed to the Divisional Court or to the Minister, the Divisional Court or the Minister may,

- (a) stay the operation of the decision; or
- (b) set aside a stay ordered by the Board under subsection (4).

Ontario Water Resources Act

R.S.O. 1980,
c. 361

5. Subsection 22-1 (7) of the *Ontario Water Resources Act*, as enacted by the Statutes of Ontario, 1981, chapter 50, section 1, is repealed.

6.—(1) Subsection 61 (1) of the Act, as amended by the Statutes of Ontario, 1988, chapter 54, section 81, is further amended by striking out “other than an emergency order” in the second and third lines.

(2) Section 61 of the Act, as amended by the Statutes of Ontario, 1988, chapter 54, section 81, is further amended by adding the following subsection:

(1a) Subsection (1) does not apply in respect of a direction, order, report or notice that, in the Director's opinion, is made, given or issued in an emergency by reason of,

Exception:
emergency
orders

- (a) danger to the health or safety of any person;
- (b) impairment or immediate risk of impairment of any waters or any use of waters; or
- (c) injury or damage or immediate risk of injury or damage to any property or to any plant or animal life.

7. Section 62 of the Act, as amended by the Statutes of Ontario, 1983, chapter 51, section 4, is repealed.

8. Section 64 of the Act, as enacted by the Statutes of Ontario, 1983, chapter 51, section 6, is repealed and the following substituted:

64.—(1) The commencement of a proceeding before the Environmental Appeal Board does not stay the operation of a direction, order, report, notice or decision made, issued or given under this Act, other than an order to pay the costs of work made under section 48e.

No automatic
stay on
appeal

(2) The Environmental Appeal Board may, on the application of a party to a proceeding before it, stay the operation of a direction, order, report, notice or decision.

Environ-
mental
Appeal
Board may
grant stay

(3) The Environmental Appeal Board shall not stay the operation of a direction, order, report, notice or decision if doing so would result in,

When stay
may not be
granted

- (a) danger to the health or safety of any person;
- (b) impairment or serious risk of impairment of any waters or any use of waters; or
- (c) injury or damage or serious risk of injury or damage to any property or to any plant or animal life.

(4) A party to a proceeding may apply for the removal of a stay if relevant circumstances have changed or have become known to the party since the stay was granted, and the Environmental Appeal Board may grant the application.

Right to
apply to
remove stay:
new circum-
stances

(5) A person who is made a party to a proceeding after a stay is granted may, at the time the person is made a party,

Right to
apply to
remove stay:
new party

apply for the removal of the stay, and the Environmental Appeal Board may grant the application.

Removal of
stay by
Environ-
mental
Appeal
Board

(6) The Environmental Appeal Board, on the application of a party under subsection (4) or (5), shall remove a stay if failure to do so would have one or more of the results mentioned in clauses (3) (a) to (c).

PART II

WORK DONE BY MINISTRY

Environmental Protection Act

R.S.O. 1980,
c. 141

9. Subsection 41 (2) of the *Environmental Protection Act* is repealed.

10. Section 43 of the Act is repealed.

11. Subsection 68 (2) of the Act, as amended by the Statutes of Ontario, 1983, chapter 52, section 11, is repealed.

12. The Act is amended by adding the following Part:

PART XI-A

WORK DONE BY MINISTRY

Minister may
cause things
to be done

124a. Where an order or decision made under this Act is stayed, the Minister may cause to be done any thing required by the order or decision.

Director may
cause things
to be done

124b.—(1) Where an order or decision made under this Act is not stayed, the Director may cause to be done any thing required by it if,

- (a) a person required by the order or decision to do the thing,
 - (i) has refused to comply with or is not complying with the order or decision,
 - (ii) is not likely, in the Director's opinion, to comply with the order or decision promptly,
 - (iii) is not likely, in the Director's opinion, to carry out the order or decision competently, or

(iv) requests the assistance of the Director in complying with the order or decision; or

(b) in the Director's opinion, it would be in the public interest to do so.

(2) The Director shall give notice of an intention to cause a thing to be done under subsection (1) to each person required by an order or decision made under this Act to do the thing.

Notice of intent to cause things to be done

(3) A person who receives a notice under subsection (2) shall not do the thing referred to in the notice without the permission of the Director.

Idem

124c. Where the Director is authorized by this Act to make a decision or order requiring a person to do a thing and the identity of the person cannot be ascertained, the Director may cause the thing to be done.

Person liable unknown: Director may cause things to be done

124d.—(1) A person who is responsible for doing a thing under section 124a, 124b or 124c may, for the purpose, enter any place on or in which the thing is to be done and any adjacent place without a warrant if,

Entry without judicial order

(a) the entry is made with the consent of an occupier or owner of the place; or

(b) the delay necessary to obtain a warrant under subsection (2) would result in,

(i) danger to the health or safety of any person;

(ii) impairment or serious risk of impairment of the quality of the natural environment for any use that can be made of it; or

(iii) injury or damage or serious risk of injury or damage to any property or to any plant or animal life.

(2) Where a justice of the peace is satisfied on evidence under oath that there is reasonable ground to believe that entry into or on a place is necessary for the purpose of doing a thing under section 124a, 124b or 124c, the justice of the peace may issue a warrant authorizing the person named in the warrant to make the entry and do the thing.

Warrant authorizing entry

(3) A warrant issued under subsection (2) shall,

Execution and expiry of warrant

(a) specify the times, which may be twenty-four hours each day, during which the warrant may be carried out; and

(b) state when the warrant expires.

Extension of
time

(4) A justice of the peace may extend the date on which a warrant expires for such additional periods as the justice of the peace considers necessary.

Use of force

(5) A person authorized under clause (1) (b) or subsection (2) to enter a place for the purpose of doing a thing may call on police officers as necessary and may use force as necessary to make the entry and do the thing.

Assistance

(6) A person named in a warrant issued under subsection (2) may call on any other persons he or she considers advisable to execute the warrant.

Application
without
notice

(7) A justice of the peace may receive and consider an application for a warrant or extension of a warrant under this section without notice to the owner or occupier of the place.

Identification

(8) On the request of an owner or occupier of the place, a person who exercises a power conferred under subsection (1) or (2) shall identify himself or herself and shall explain the purpose of the entry.

Order to pay

124e.—(1) The Director may issue an order to pay the costs of doing any thing caused to be done by the Minister or Director under this Act to any person required by an order or decision made under this Act to do the thing.

Idem

(2) If, after the Minister or Director causes any thing to be done under this Act, the Director ascertains the identity of a person to whom a decision or order requiring the thing to be done could have been issued under this Act, the Director may issue an order to pay the costs of doing the thing to that person.

Order to
pay: contents

(3) An order under subsection (1) or (2) to pay costs shall include,

(a) a description of things that the Minister or Director caused to be done under this Act;

(b) a detailed account of the costs incurred in doing the things; and

- (c) a direction that the person to whom with the order is issued pay the costs to the Treasurer of Ontario.

(4) An order under subsection (2) to pay costs shall also include a brief statement of the circumstances giving rise to the decision to cause the things to be done. Idem

124f. At a hearing by the Board on an order to pay costs, the Director may, on reasonable notice to all parties, ask the Board to amend the order by adding new items of cost or by increasing the amounts set out in the order. Costs specified in order to pay may be increased by Board

124g. At a hearing by the Board on an order under subsection 124e (1) to a person to pay the costs of doing things, the Board shall consider only whether any of the costs specified in the order, What Board may consider at hearing on subs. 124e (1) order to pay

- (a) do not relate to a thing that the person was required to do by an order or decision made under this Act, as amended by any Board decision or on any appeal from a Board decision; or

- (b) are unreasonable having regard to what was done.

124h.—(1) An order to pay costs may be filed with a local registrar of the District Court and enforced as if it were an order of the court. Order to pay may be enforced as judgment of the District Court

(2) Section 139 of the *Courts of Justice Act, 1984* applies in respect of an order filed with the District Court under subsection (1) and, for the purpose, the date of filing shall be deemed to be the date of the order. Interest 1984, c. 11

124i.—(1) For the purposes of subsections (2) and (8), a thing done as a result of activities or conditions on real property is a thing done in connection with that property, whether or not the work is done on that property. Interpretation

(2) If an order to pay costs is directed to a person who owns real property in a municipality, and the Director instructs the municipality to recover amounts specified in the order that relate to things done in connection with that property, the municipality shall have a lien on the property for those amounts and they shall be deemed to be municipal taxes in respect of the property and shall be added by the clerk of the municipality to the collector's roll and collected in the same way and with the same priorities as municipal taxes. Costs specified in order to pay may be collected as taxes

Idem

1984, c. 84

(3) A lien created under subsection (2) in favour of a municipality is not an estate or interest of the Crown within the meaning of clause 9 (5) (b) of the *Municipal Tax Sales Act, 1984*.

Idem

(4) Subject to subsection (6), money collected in accordance with subsection (2), less the costs reasonably attributable to the collection, shall be paid by the municipality to the Treasurer of Ontario.

Interpretation:
cancellation price

Proceeds of tax sale
R.S.O. 1980,
cc. 166, 361

(5) In subsections (6) and (7), "cancellation price" has the same meaning as in the *Municipal Tax Sales Act, 1984*.

(6) Where there is a sale of land under the *Municipal Tax Sales Act, 1984* and amounts are payable out of the proceeds to the Treasurer of Ontario under this Act, the *Fire Marshals Act* or the *Ontario Water Resources Act*, those amounts shall not be paid until after payment of all other amounts payable out of the proceeds in respect of the cancellation price of the land.

Cancellation price

(7) Despite any provision of the *Municipal Tax Sales Act, 1984*, the treasurer of a municipality may sell land under that Act for less than the cancellation price, so long as the land is not sold for less than what the cancellation price would have been but for this Act, the *Fire Marshals Act* and the *Ontario Water Resources Act*, and the purchaser may be declared to be the successful purchaser under the *Municipal Tax Sales Act, 1984*.

Idem,
territory without
municipal organization
R.S.O. 1980,
c. 399

(8) If an order to pay costs is directed to a person who owns real property in territory without municipal organization, and the Director instructs the Land Tax Collector appointed under the *Provincial Land Tax Act* to recover amounts specified in the order that relate to things done in connection with that property, the Crown shall have a lien on the property for those amounts and they shall be deemed to be taxes in respect of the property imposed under section 3 of the *Provincial Land Tax Act* and may be collected in the same way and with the same priorities as taxes under that Act.

Idem

(9) An instruction under subsection (2) or (8) shall state which of the amounts specified in the order to pay relate to things done in connection with the property.

Costs specified in order to pay may be recovered from deposit, financial assurance

124j. Where an order to pay costs is directed to a person who has given a deposit under section 34 or financial assurance under Part X-A, the deposit or financial assurance may be used to recover amounts specified in the order to pay.

13. Section 143 of the Act is repealed.

14. Subsection 146 (1a) of the Act, as enacted by the Statutes of Ontario, 1986, chapter 68, section 14, is amended by inserting after “Act” in the second line “other than an order under section 124e”.

Ontario Water Resources Act

15. The *Ontario Water Resources Act* is amended by adding the following sections: R.S.O. 1980,
c. 361

WORK DONE BY MINISTRY

48a.—(1) Where a direction, order or decision made under this Act is stayed, the Minister may cause to be done any thing required by the direction, order or decision. Minister may
cause things
to be done

(2) Subsection (1) does not apply in respect of reports made under section 33. Exception

48b.—(1) Where a direction, order or decision made by the Director or Minister under this Act is not stayed, the Director may cause to be done any thing required by it if, Director may
cause things
to be done

(a) a person required by the direction, order or decision to do the thing,

(i) has refused to comply with or is not complying with the direction, order or decision,

(ii) is not likely, in the Director’s opinion, to comply with the direction, order or decision promptly,

(iii) is not likely, in the Director’s opinion, to carry out the direction, order or decision competently, or

(iv) requests the assistance of the Director in complying with the direction, order or decision; or

(b) in the Director’s opinion, it would be in the public interest to do so.

(2) Subsection (1) does not apply in respect of reports made under section 33. Exception

(3) The Director shall give notice of an intention to cause a thing to be done under this section to each person required by Notice of
intent to
cause things
to be done

a direction, order or decision made under this Act to do the thing.

Idem

(4) A person who receives a notice under subsection (3) shall not do the thing referred to in the notice without the permission of the Director.

Person liable
unknown:
Director may
cause things
to be done

48c. Where the Director is authorized by this Act to make a direction, order or decision requiring a person to do a thing and the identity of the person cannot be ascertained, the Director may cause the thing to be done.

Entry on
land without
judicial order

48d.—(1) A person who is responsible for doing a thing under section 48a, 48b or 48c may, for the purpose, enter on land on which the thing is to be done and on adjacent lands without a warrant if,

- (a) the entry is made with the consent of an occupier or owner of the land; or
- (b) the delay necessary to obtain a warrant under subsection (2) would result in,
 - (i) danger to the health or safety of any person,
 - (ii) impairment or serious risk of impairment of any waters or any use of waters, or
 - (iii) injury or damage or serious risk of injury or damage to any property or to any plant or animal life.

Warrant
authorizing
entry on land

(2) Where a justice of the peace is satisfied on evidence under oath that there is reasonable ground to believe that entry on certain land is necessary for the purpose of doing a thing under section 48a, 48b or 48c, the justice of the peace may issue a warrant authorizing the person named in the warrant to enter and do the thing on the land.

Execution
and expiry of
warrant

(3) A warrant issued under subsection (2) shall,

- (a) specify the times, which may be twenty-four hours each day, during which the warrant may be carried out; and
- (b) state when the warrant expires.

Extension of
time

(4) A justice of the peace may extend the date on which a warrant expires for such additional periods as the justice of the peace considers necessary.

(5) A person authorized under clause (1) (b) or subsection (2) to enter on land for the purpose of doing a thing may call on police officers as necessary and may use force as necessary to make the entry and do the thing. Use of force

(6) A person named in a warrant issued under subsection (2) may call on any other persons he or she considers advisable to execute the warrant. Assistance

(7) A justice of the peace may receive and consider an application for a warrant or extension of a warrant under this section without notice to the owner or occupier of the land. Application without notice

(8) On the request of an owner or occupier of the land, a person who exercises a power conferred under subsection (1) or (2) shall identify himself or herself and shall explain the purpose of the entry. Identification

48e.—(1) The Director may issue an order to pay the costs of doing any thing caused to be done by the Minister or Director under this Act to any person required by a direction, order or decision made under this Act to do the thing. Order to pay

(2) If, after the Minister or Director causes any thing to be done under this Act, the Director ascertains the identity of a person to whom a direction, order or decision requiring the thing to be done could have been issued under this Act, the Director may issue an order to pay the costs of doing the thing to that person. Idem

(3) An order under subsection (1) or (2) to pay costs shall include, Order to pay: contents

(a) a description of things that the Minister or Director caused to be done under this Act;

(b) a detailed account of the costs incurred in doing the things; and

(c) a direction that the person to whom the order is issued pay the costs to the Treasurer of Ontario.

(4) An order under subsection (2) to pay costs shall also include a brief statement of the circumstances giving rise to the decision to cause the things to be done. Idem

Costs specified in order to pay may be increased by Environmental Appeal Board

What Environmental Appeal Board may consider at hearing on subs. 48e (1) order to pay

48f. At a hearing by the Environmental Appeal Board on an order to pay costs, the Director may, on reasonable notice to all parties, ask the Environmental Appeal Board to amend the order by adding new items of cost or by increasing the amounts set out in the order.

48g. At a hearing by the Environmental Appeal Board on an order under subsection 48e (1) to a person to pay the costs of doing things, the Environmental Appeal Board shall consider only whether any of the costs specified in the order,

(a) do not relate to a thing that the person was required to do by a direction, order or decision made under this Act, as amended by any Environmental Appeal Board decision or on any appeal from an Environmental Appeal Board decision; or

(b) are unreasonable having regard to what was done.

Order to pay may be enforced as judgment of the District Court

Interest
1984, c. 11

48h.—(1) An order to pay costs may be filed with a local registrar of the District Court and enforced as if it were an order of the court.

(2) Section 139 of the *Courts of Justice Act, 1984* applies in respect of an order filed with the District Court under subsection (1) and, for the purpose, the date of filing shall be deemed to be the date of the order.

Interpretation

48i.—(1) For the purposes of subsections (2) and (8), a thing done as a result of activities or conditions on land is a thing done in connection with that land, whether or not the work is done on that land.

Costs specified in order to pay may be collected as taxes

(2) If an order to pay costs is directed to a person who owns land in a municipality, and the Director instructs the municipality to recover amounts specified in the order that relate to things done in connection with that land, the municipality shall have a lien on the land for those amounts and they shall be deemed to be municipal taxes in respect of the land and shall be added by the clerk of the municipality to the collector's roll and collected in the same way and with the same priorities as municipal taxes.

Idem

1984, c. 14

(3) A lien created under subsection (2) in favour of a municipality is not an estate or interest of the Crown within the meaning of clause 9 (5) (b) of the *Municipal Tax Sales Act, 1984*.

(4) Subject to subsection (6), money collected in accordance with subsection (2), less the costs reasonably attributable to the collection, shall be paid by the municipality to the Treasurer of Ontario.

Idem

(5) In subsections (6) and (7), "cancellation price" has the same meaning as in the *Municipal Tax Sales Act, 1984*.

Interpretation:
cancellation price

(6) Where there is a sale of land under the *Municipal Tax Sales Act, 1984* and amounts are payable out of the proceeds to the Treasurer of Ontario under this Act, the *Environmental Protection Act* or the *Fire Marshals Act*, those amounts shall not be paid until after payment of all other amounts payable out of the proceeds in respect of the cancellation price of the land.

Proceeds of
tax sale
R.S.O. 1980,
cc. 141, 166

(7) Despite any provision of the *Municipal Tax Sales Act, 1984*, the treasurer of a municipality may sell land under that Act for less than the cancellation price, so long as the land is not sold for less than what the cancellation price would have been but for this Act, the *Environmental Protection Act* and the *Fire Marshals Act*, and the purchaser may be declared to be the successful purchaser under the *Municipal Tax Sales Act, 1984*.

Cancellation
price

(8) If an order to pay costs is directed to a person who owns land in territory without municipal organization, and the Director instructs the Land Tax Collector appointed under the *Provincial Land Tax Act* to recover amounts specified in the order that relate to work done in connection with that land, the Crown shall have a lien on the land for those amounts and they shall be deemed to be taxes in respect of the land imposed under section 3 of the *Provincial Land Tax Act* and may be collected in the same way and with the same priorities as taxes under that Act.

Idem.
territory
without
municipal
organization
R.S.O. 1980,
c. 399

(9) An instruction under subsection (2) or (8) shall state which of the amounts specified in the order to pay relate to things done in connection with the land.

Idem

48j. Where an order to pay costs is directed to a person who has given financial assurance under Part X-A of the *Environmental Protection Act*, the financial assurance may be used to recover amounts specified in the order to pay.

Costs
specified in
order to pay
may be
recovered
from
financial
assurance
R.S.O. 1980,
c. 141

16. Section 55 of the Act, as amended by the Statutes of Ontario, 1988, chapter 54, section 88, is repealed.

17. Subsection 66 (2) of the Act, as enacted by the Statutes of Ontario, 1986, chapter 68, section 41 and amended by 1988,

chapter 54, section 88, is further amended by inserting after "Act" in the third line "other than an order under section 48e".

PART III

MISCELLANEOUS

Environmental Protection Act

R.S.O. 1980,
c. 141

18. Subsection 6 (1) of the *Environmental Protection Act*, as amended by the Statutes of Ontario, 1986, chapter 68, section 3 and 1988, chapter 54, section 3, is repealed and the following substituted:

Control
orders

(1) When the report of a provincial officer contains a finding that a contaminant discharged into the natural environment is a contaminant the use of which is prohibited by the regulations or is being discharged in contravention of section 13 or the regulations, the Director may issue a control order directed to,

- (a) an owner or previous owner of the source of contaminant;
- (b) a person who is or was in occupation of the source of contaminant; or
- (c) a person who has or had the charge, management or control of the source of contaminant.

19. Subsection 7 (1) of the Act, as amended by the Statutes of Ontario, 1988, chapter 54, section 4, is further amended by striking out "the person responsible for the source of contaminant" at the end and by adding the following clauses:

- (a) an owner or previous owner of the source of contaminant;
- (b) a person who is or was in occupation of the source of contaminant; or
- (c) a person who has or had the charge, management or control of the source of contaminant.

20. Section 16 of the Act, as amended by the Statutes of Ontario, 1988, chapter 54, section 12, is repealed and the following substituted:

16. Where any person causes or permits the discharge of a contaminant into the natural environment, so that land, water, property, animal life, plant life, or human health or safety is injured, damaged or endangered, or is likely to be injured, damaged or endangered, the Director may order the person to,

Remedial
orders

- (a) repair the injury or damage;
- (b) prevent the injury or damage; or
- (c) where the discharge has damaged or endangered or is likely to damage or endanger existing water supplies, provide alternate water supplies.

21. Subsection 17 (1) of the Act, as re-enacted by the Statutes of Ontario, 1983, chapter 52, section 6 and amended by 1988, chapter 54, section 13, is further amended by striking out “or who has” in the third line and substituting “or owned or who has or had”.

22. Subsection 41 (1) of the Act is amended by striking out “the occupant or the person having” in the fourth line and substituting “an owner or previous owner, an occupant or previous occupant or a person who has or had”.

23. Section 42 of the Act is amended by striking out “the owner” in the third line and substituting “an owner or previous owner”.

24. The Act is amended by adding the following section:

120a. When the Director makes an order or decision under this Act of a class prescribed by the regulations, the Director shall serve notice of the order or decision, together with written reasons therefor, on the clerk of any local municipality in which there is land on which the order or decision requires something to be done, permits something to be done or prohibits something from being done.

Notice to
municipalities

25. The Act is further amended by renumbering section 122a, as enacted by the Statutes of Ontario, 1983, chapter 52, section 18, as section 122b and by adding the following section:

122a. The Board shall extend the time in which a person may give a notice under section 121 or 122 requiring a hearing on an order or decision where, in the Board’s opinion, it is just to do so because service of the order or decision on the person did not give the person notice of the order or decision.

Extension of
time for
requiring
hearing

26. Subsection 136 (1) of the Act, as amended by the Statutes of Ontario, 1983, chapter 52, section 23 and 1988, chapter 54, section 45, is further amended by adding the following clauses:

- (r) providing for the method of service of any document or class of documents given or served under this Act;
- (s) prescribing any matter referred to in this Act as prescribed.

27.—(1) Subsection 142 (1) of the Act is repealed and the following substituted:

Service

(1) Any document given or served under this Act or the regulations is sufficiently given or served if it is,

- (a) delivered personally;
- (b) sent by mail addressed to the person to whom delivery or service is required to be made at the latest address for the person appearing on the records of the Ministry; or
- (c) given or served in accordance with regulations respecting service.

(2) Subsection 142 (2) of the Act is amended by striking out “registered” in the first line.

28. Subsection 146a (1) of the Act, as enacted by the Statutes of Ontario, 1986, chapter 68, section 15 and amended by 1989, chapter 72, section 32, is repealed and the following substituted:

Penalty re
actual
pollution

(1) Every corporation convicted of a contravention of subsection 13 (1) or 119 (1) is liable on conviction for each day or part of a day on which the offence occurs or continues to a fine of not less than \$2,000 and not more than \$200,000 on a first conviction and not less than \$4,000 and not more than \$400,000 on each subsequent conviction and not as provided in section 146.

29. Subsections 147 (3) and (4) of the Act, as re-enacted by the Statutes of Ontario, 1986, chapter 68, section 16 and amended by 1988, chapter 54, section 49 and 1989, chapter 72, section 32, are repealed and the following substituted:

(3) Where a natural person is convicted of an offence referred to in subsection (1) that results in an adverse effect, the person is liable, for each day on which the offence occurs or continues, to a fine of not less than \$2,000 and not more than \$50,000 on a first conviction and not less than \$4,000 and not more than \$100,000 on each subsequent conviction, instead of the fine elsewhere provided for the offence.

Penalty
where
adverse effect
occurs

(4) Where a corporation is convicted of an offence referred to in subsection (1) that results in an adverse effect, the corporation is liable, for each day on which the offence occurs or continues, to a fine of not less than \$2,000 and not more than \$1,000,000 on a first conviction and not less than \$4,000 and not more than \$2,000,000 on each subsequent conviction, instead of the fine elsewhere provided for the offence.

Idem,
corporation

30. Section 148 of the Act, as enacted by the Statutes of Ontario, 1981, chapter 49, section 5, is repealed and the following substituted:

148.—(1) Proceedings for an offence under this Act or the regulations shall not be commenced later than two years after the later of,

Limitation

- (a) the day on which the offence was committed; and
- (b) the day on which evidence of the offence first came to the attention of a person appointed under section 4.

(2) Clause (1) (b) does not apply in respect of offences committed more than two years before the coming into force of this section.

Idem

31. Section 149 of the Act, as enacted by the Statutes of Ontario, 1983, chapter 52, section 25, is amended by adding the following subsection:

(2) A person who has authority under this Act to order that a thing be done on or in any place also has authority to order any person who owns, occupies or has the charge, management or control of the place to permit access to the place for the purpose of doing the thing.

Idem

32. The Act is further amended by adding the following section:

150.—(1) A person who has authority under this Act to make an order or decision affecting real property also has authority to prohibit any person with an interest in the prop-

Certain
dealings with
real property
prohibited

erty from dealing with the property in any way without first giving a copy of the order or decision to each person acquiring an interest in the property as a result of the dealing.

Registration
of
prohibitions

(2) A certificate setting out a prohibition referred to in subsection (1) may be registered in the proper land registry office on the title of the real property to which the prohibition relates, if the certificate is in the prescribed form, is signed by the Director and is accompanied by a registrable description of the property.

Idem

(3) A prohibition set out in a certificate that is registered under subsection (2) is, from the time of registration, deemed to be directed to each person who subsequently acquires an interest in the real property.

Prohibited
dealings
voidable

(4) A dealing with real property by a person who is prohibited under subsection (1) or (3) from dealing with the property without giving a copy of an order or decision is voidable at the instance of a person who was not given the copy before acquiring an interest in the property as a result of the dealing.

Registration
of withdrawal
of prohibition

(5) A certificate of withdrawal of a prohibition referred to in this section may be registered in the proper land registry office on the title of the real property to which the prohibition relates, if the certificate is in the prescribed form, is signed by the Director and is accompanied by a registrable description of the property.

Idem
R.S.O. 1980,
c. 445

(6) On the registration under the *Registry Act* of a certificate of withdrawal of a prohibition in accordance with subsection (5), the land registrar may delete the entries in the abstract index of the certificate setting out the prohibition and the certificate of withdrawal of the prohibition.

Idem

(7) Registration of a certificate of withdrawal of a prohibition in accordance with subsection (5) has the effect of revoking the prohibition.

Ontario Water Resources Act

R.S.O. 1980,
c. 361

33. Subsection 44 (1) of the *Ontario Water Resources Act*, as amended by the Statutes of Ontario, 1981, chapter 50, section 2, 1983, chapter 51, section 3, 1986, chapter 68, section 35 and 1988, chapter 54, section 76, is further amended by adding the following clauses:

(ta) providing for the method of service of any document or class of document given or served under this Act;

- (tb) prescribing any matter referred to in this Act as prescribed.

34. Section 54 of the Act, as re-enacted by the Statutes of Ontario, 1981, chapter 50, section 3, is repealed and the following substituted:

54.—(1) Proceedings for an offence under this Act or the regulations made under this Act shall not be commenced later than two years after the later of, Limitations

- (a) the day on which the offence was committed; and
- (b) the day on which evidence of the offence first came to the attention of a person appointed under section 4.

(2) Clause (1) (b) does not apply in respect of offences committed more than two years before the coming into force of this section. Idem

35. Section 61 of the Act, as amended by the Statutes of Ontario, 1988, chapter 54, section 81, is further amended by adding the following subsections:

(2c) The Environmental Appeal Board shall extend the time in which a person may give a notice under subsection (2a) requiring a hearing on a notice, direction, report, order or other decision where, in the opinion of the Environmental Appeal Board, it is just to do so because service of the notice referred to in subsection (2) did not give the person notice of the decision. Extension of time for requiring hearing

(2d) When the Director makes a notice, direction, report, order or other decision under this Act of a class prescribed by the regulations, the Director shall serve notice of the notice, direction, report, order or other decision, together with written reasons therefor, on the clerk of any local municipality in which there is land on which the notice, direction, report, order or other decision requires something to be done, permits something to be done or prohibits something from being done. Notice to municipalities

36. The Act is amended by adding the following section:

64a.—(1) A person who has authority under this Act to make a direction, order, notice or decision affecting land also has authority to prohibit any person with an interest in the land from dealing with the land in any way without first giving Certain dealings with land prohibited

a copy of the direction, order, notice or decision to each person acquiring an interest in the land as a result of the dealing.

Registration
of
prohibitions

(2) A certificate setting out a prohibition referred to in subsection (1) may be registered in the proper land registry office on the title of the land to which the prohibition relates, if the certificate is in the prescribed form, is signed by the Director and is accompanied by a registrable description of the land.

Idem

(3) A prohibition set out in a certificate that is registered under subsection (2) is, from the time of registration, deemed to be directed to each person who subsequently acquires an interest in the land.

Prohibited
dealings with
land voidable

(4) A dealing with land by a person who is prohibited under subsection (1) or (3) from dealing with the land without giving a copy of a direction, order, notice or decision is voidable at the instance of a person who was not given the copy before acquiring an interest in the land as a result of the dealing.

Registration
of withdrawal
of prohibition

(5) A certificate of withdrawal of a prohibition referred to in this section may be registered in the proper land registry office on the title of the land to which the prohibition relates, if the certificate is in the prescribed form, is signed by the Director and is accompanied by a registrable description of the land.

Idem
R.S.O. 1980,
c. 445

(6) On the registration under the *Registry Act* of a certificate of withdrawal of a prohibition in accordance with subsection (5), the land registrar may delete the entries in the abstract index of the certificate setting out the prohibition and the certificate of withdrawal of the prohibition.

Idem

(7) Registration of a certificate of withdrawal of a prohibition in accordance with subsection (5) has the effect of revoking the prohibition.

37. Section 65 of the Act, as enacted by the Statutes of Ontario, 1983, chapter 51, section 7, is amended by adding the following subsection:

Idem

(3) A person who has authority under this Act to make an order requiring that a thing be done on land also has authority to make an order requiring any person who owns, occupies or has the charge, management or control of the land to permit access to the land for the purpose of doing the thing.

38.—(1) Subsection 65b (1) of the Act, as enacted by the Statutes of Ontario, 1988, chapter 54, section 82, is repealed and the following substituted:

(1) Any document given or served under this Act or the regulations made under this Act is sufficiently given or served if it is, Service

- (a) delivered personally;
- (b) sent by mail addressed to the person to whom delivery or service is required to be made at the latest address for the person appearing on the records of the Ministry; or
- (c) given or served in accordance with regulations made under this Act respecting service.

(2) Subsection 65b (2) of the Act, as enacted by the Statutes of Ontario, 1988, chapter 54, section 82, is amended by striking out “registered” in the first line.

39. This Act comes into force on the day it receives Royal Assent. Commence-
ment

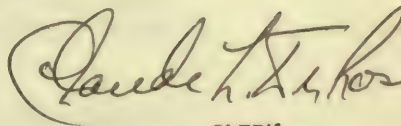
40. The short title of this Act is the *Environmental Protection Statute Law Amendment Act, 1990*. Short title

Bill 225

(Chapter 19
Statutes of Ontario, 1990)

An Act to amend the Landlord and Tenant Act with respect to Animals

The Hon. I. Scott
Attorney General



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 18th, 1990
<i>2nd Reading</i>	June 27th, 1990
<i>3rd Reading</i>	June 28th, 1990
<i>Royal Assent</i>	June 28th, 1990

Bill 225

1990

An Act to amend the Landlord and Tenant Act with respect to Animals

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 109 of the *Landlord and Tenant Act* is amended by adding the following subsections: R.S.O. 1980,
c. 232

(5a) Where the notice of termination is served under clause (1) (c) or (d) and is based on the presence, control or behaviour of an animal in or about the rented premises, a judge hearing an application under section 113 brought by the landlord under subsection (3) or (4) shall not direct the issue of a writ of possession unless the judge is satisfied that the tenant is keeping an animal and that, Criteria re
animals

- (a) the past behaviour of an animal of that species has substantially interfered with the reasonable enjoyment of the premises for all usual purposes by the landlord or the other tenants;
- (b) the presence of an animal of that species has caused the landlord or another tenant to suffer a serious allergic reaction; or
- (c) the presence of an animal of that species or breed is inherently dangerous to the safety of the landlord or the other tenants.

(5b) Even if satisfied that the tenant is keeping an animal and that the criterion set out in clause (5a) (a) or the one set out in clause (5a) (b) has been met, the judge shall not direct the issue of a writ of possession if he or she is also satisfied, Idem

- (a) in the case of a finding under clause (5a) (a), that the animal kept by the tenant did not cause or contribute to the substantial interference;

- (b) in the case of a finding under clause (5a) (b), that the animal kept by the tenant did not cause or contribute to the allergic reaction.

2. The Act is amended by adding the following sections:

Injunctions
and orders
based on "no
pet"
provisions

109a.—(1) No injunction, mandatory order or other order shall be granted against a tenant based on provisions of an agreement respecting the presence, control or behaviour of an animal in or about the rented premises unless the court is satisfied that the tenant is keeping an animal and that,

- (a) the past behaviour of an animal of that species has substantially interfered with the reasonable enjoyment of the premises for all usual purposes by the landlord or the other tenants;
- (b) the presence of an animal of that species has caused the landlord or another tenant to suffer a serious allergic reaction; or
- (c) the presence of an animal of that species or breed is inherently dangerous to the safety of the landlord or the other tenants.

Idem

(2) Even if satisfied that the tenant is keeping an animal and that the criterion set out in clause (1) (a) or the one set out in clause (1) (b) has been met, the judge shall not grant the injunction, mandatory order or other order if he or she is also satisfied,

- (a) in the case of a finding under clause (1) (a), that the animal kept by the tenant did not cause or contribute to the substantial interference;
- (b) in the case of a finding under clause (1) (b), that the animal kept by the tenant did not cause or contribute to the allergic reaction.

"No pet"
provisions
not to be
considered

109b. The provisions of an agreement to which the tenant is a party respecting the presence, control or behaviour of animals and the provisions of similar agreements to which other tenants are parties shall not be considered in determining,

- (a) for the purposes of clauses 109 (1) (c), 109 (5a) (a) and 109a (1) (a), whether there has been substantial interference with the reasonable enjoyment of the premises for all usual purposes by the landlord or the other tenants; or

- (b) for the purposes of clause 109 (1) (d), whether the safety or other *bona fide* and lawful right, privilege or interest of any other tenant in the residential premises has been seriously impaired.

3. Subsections 109 (5a) and (5b) and sections 109a and 109b Transition
of the Act, as enacted by sections 1 and 2 of this Act, apply to every proceeding the hearing of which, including the hearing of an appeal, is completed on or after the day this Act comes into force, even if the proceeding was commenced before that day.

4. This Act comes into force on the day it receives Royal Commencement
Assent.

5. The short title of this Act is the *Landlord and Tenant* Short title
Amendment (Animals) Act, 1990.

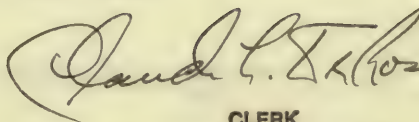


Bill Pr1

*(Chapter Pr19
Statutes of Ontario, 1989)*

An Act respecting the City of Toronto

Mr. Kanter



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	April 26th, 1989
<i>2nd Reading</i>	July 13th, 1989
<i>3rd Reading</i>	July 13th, 1989
<i>Royal Assent</i>	July 13th, 1989

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Bill Pr1

1989

An Act respecting the City of Toronto

Whereas The Corporation of the City of Toronto hereby applies for special legislation in respect of the matter herein-after set forth; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Despite the *Municipal Act* and the *Municipality of Metropolitan Toronto Act*, Title of
members of
council
R.S.O. 1980,
cc. 302, 314

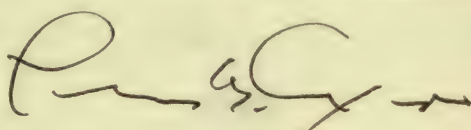
(a) members of the council of the City of Toronto, except the mayor, shall have the title “alderman”, “councillor”, “city alderman” or “city councillor” as council may by by-law determine; and

(b) members of council, except the mayor, shall have the title “city councillor” until the council passes a by-law under clause (a).

(2) Subsections 30 (10) and (11) of the *Municipal Act* apply with necessary modifications to a by-law passed under clause (1) (a). Idem

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. The short title of this Act is the *City of Toronto Act*, Short title
1989.

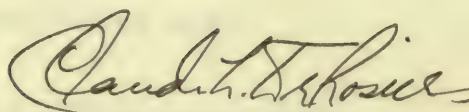


Bill Pr3

*(Chapter Pr20
Statutes of Ontario, 1989)*

An Act respecting Sarnia General Hospital

Mr. Brandt



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	May 23rd, 1989
<i>2nd Reading</i>	July 13th, 1989
<i>3rd Reading</i>	July 13th, 1989
<i>Royal Assent</i>	July 13th, 1989

Bill Pr3

1989

An Act respecting Sarnia General Hospital

Whereas Sarnia General Hospital Commission hereby represents that it was established to conduct the affairs of the Sarnia General Hospital by *An Act respecting the Sarnia General Hospital*, being chapter 163 of the Statutes of Ontario, 1920; that it is desirable to incorporate the Hospital Commission under the name of Sarnia General Hospital; that it is further desirable to permit the hospital corporation to borrow such sums as may be required for the operation, improvement and expansion of the hospital; and whereas the Sarnia General Hospital Commission hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“board” means the board of commissioners of the hospital corporation;

“hospital corporation” means Sarnia General Hospital incorporated under section 2.

2. Sarnia General Hospital is established as a corporation without share capital and shall be composed of the persons who comprise its board of commissioners.

Incorporation

3.—(1) The affairs of the hospital corporation shall be managed by a board of commissioners.

Management
by board

(2) The board shall be composed of,

Composition
of board

- (a) nine persons appointed by the council of The Corporation of the City of Sarnia of whom not more than one may be a member of council;

- (b) not more than two persons appointed by by-law of the board; and
- (c) such other persons as are provided for under the *Public Hospitals Act*.
- R.S.O. 1980,
c. 410
- Term (3) Members of the board shall be appointed for a term of three years and until their successors are appointed.
- Idem (4) Despite subsection (3), a member of the board who is also a member of council shall be appointed for a term of one year.
- Re-
appointment (5) Members of the board are eligible for re-appointment.
- Quorum (6) A majority of the members of the board constitutes a quorum.
- Vacancies (7) If a vacancy occurs in the membership of the board, the body who appointed the member shall appoint a person to fill the vacancy and the appointee shall hold office for the remainder of the unexpired portion of the term of the vacating member.
- Remuner-
ation (8) Members of the board shall serve without remuneration except for actual disbursements incurred in connection with the affairs of the hospital corporation and approved by the board.
- Transition (9) The members of the Hospital Commission in office immediately before the coming into force of this Act shall continue to hold office as board members of the hospital corporation until the term of office of the member expires.
- Objects **4.** The objects of the hospital corporation are to operate, maintain and manage a public hospital in the County of Lambton.
- Powers **5.** The board has the power to carry out the objects of the hospital corporation and do all things necessary in connection therewith.
- Personal
property **6.—(1)** All personal property used by the hospital corporation in the operation of the hospital is vested in the hospital corporation.
- Real
property (2) The land, buildings and fixtures owned by The Corporation of the City of Sarnia on the day this Act comes into force for hospital purposes continue to be vested in the City until disposed of by it and The Corporation of the City of Sar-

nia may continue to acquire and hold land, buildings and fixtures for hospital purposes.

(3) All trusts and gifts made to or intended for Sarnia General Hospital shall be held by the hospital corporation and administered by the board. Trusts, gifts

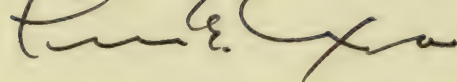
7. Subject to the *Public Hospitals Act*, the hospital corporation may borrow such sums as may be required for the operation, improvement and expansion of the hospital at such rates of interest and for such periods of time as the board considers necessary. Borrowing powers
R.S.O. 1980,
c. 410

8. The following are repealed: Repeals

1. *An Act respecting the Sarnia General Hospital*, being chapter 163 of the Statutes of Ontario, 1920.
2. *The Sarnia General Hospital Act, 1928*, being chapter 110.
3. *The Sarnia General Hospital Act, 1946*, being chapter 138.
4. *The Sarnia General Hospital Act, 1955*, being chapter 113.
5. *The Sarnia General Hospital Act, 1956*, being chapter 118.

9. This Act comes into force on the day it receives Royal Assent. Commence-
ment

10. The short title of this Act is the *Sarnia General Hospital Act, 1989*. Short title

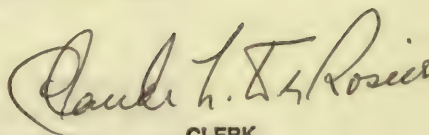


Bill Pr4

(Chapter Pr12
Statutes of Ontario, 1990)

An Act respecting the City of Toronto

Mr. Kanter



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	March 29th, 1990
<i>2nd Reading</i>	May 31st, 1990
<i>3rd Reading</i>	May 31st, 1990
<i>Royal Assent</i>	May 31st, 1990

Bill Pr4

1990

An Act respecting the City of Toronto

Whereas The Corporation of the City of Toronto, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "removal zone" means a sidewalk or boulevard or portion thereof that has been designated under clause 2 (1) (a).

Definition

2.—(1) The council of the Corporation may pass by-laws,

By-laws
respecting
sidewalks and
boulevards

(a) designating any sidewalk or boulevard or portion thereof located on any public highway as a removal zone; and

(b) prohibiting the stopping, parking, placing, storing, standing or leaving, in a removal zone, any object, vehicle or thing,

(i) which is used to sell, display or expose goods, wares, merchandise, products, crafts, jewellery, refreshments, foodstuffs or any other items, or

(ii) which obstructs pedestrians,

unless the owner of the object, vehicle or thing holds a valid permit issued by the Corporation granting the exclusive use of a designated area within the removal zone.

(2) A by-law passed under subsection (1) is not effective in respect of a particular removal zone unless signs are erected to indicate the removal zone.

Posting of
signs

Enforcement

3.—(1) A police officer, police cadet, municipal by-law enforcement officer or any person authorized by by-law to enforce a by-law passed under this Act, who has reason to believe that any object, vehicle or thing is stopped, parked, placed, stored, standing or left in a removal zone in contravention of the by-law,

- (a) may, upon producing appropriate identification, require that a valid permit issued by the Corporation be produced for reasonable inspection; and
- (b) if no valid permit is produced, may, after informing the persons, if any, in charge of the object, vehicle or thing that it is in a removal zone contrary to the by-law and upon giving a receipt therefor, cause it to be moved or taken to and placed or stored in a suitable place.

Lien

(2) Subject to subsections (3) and (4), all costs and charges for the removal, care and storage of any object, vehicle or thing under the by-law are a lien upon the object, vehicle or thing which may be enforced by the Corporation in the manner provided by the *Repair and Storage Liens Act, 1989*.

1989, c. 17

Unclaimed property

(3) Any object, vehicle or thing removed and stored in accordance with subsection (1) and not claimed by the owner within sixty days is the property of the Corporation and may be sold and the proceeds shall form part of the general funds of the Corporation.

Perishable property

(4) Despite subsection (3), any object or thing which is perishable is the property of the Corporation upon being moved from the removal zone in accordance with subsection (1) and at any time thereafter may be destroyed or given to any charitable institution.

Metropolitan
sidewalks and
boulevards
R.S.O. 1980,
c. 314

4. A by-law under this Act may apply to a sidewalk or boulevard on any highway within the metropolitan road system established under the *Municipality of Metropolitan Toronto Act* if the Metropolitan Council has passed a by-law under section 85 of that Act in respect of the sidewalk or boulevard or portion thereof designated under section 2 of this Act.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

6. This Act is repealed on the third anniversary of the day ^{Repeal}
it receives Royal Assent.

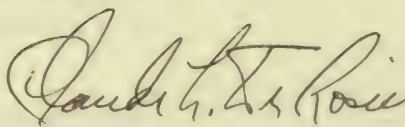
7. The short title of this Act is the *City of Toronto Act*, ^{Short title}
1990.

Bill Pr5

*(Chapter Pr13
Statutes of Ontario, 1989)*

An Act respecting Certain Land in the Town Plot of Gowganda in the District of Timiskaming

Mr. Fleet



**CLERK
LEGISLATIVE ASSEMBLY**

<i>1st Reading</i>	May 11th, 1989
<i>2nd Reading</i>	June 19th, 1989
<i>3rd Reading</i>	June 19th, 1989
<i>Royal Assent</i>	June 20th, 1989

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Bill Pr5

1989

**An Act respecting Certain Land in the
Town Plot of Gowganda in the
District of Timiskaming**

Whereas the Roman Catholic Episcopal Corporation of the Diocese of Sault Ste. Marie hereby represents that it is the registered owner of the land described in section 1; that the Crown, in right of Ontario, by letters patent dated the 23rd day of September, 1909 granted the land to the Roman Catholic Episcopal Corporation of the Diocese of Sault Ste. Marie; that the habendum in the letters patent reads as follows:

Preamble

To have and to hold unto the said Roman Catholic Episcopal Corporation of the Diocese of Sault Ste. Marie for church purposes;

that the land was in fact never used for church purposes and has always remained vacant; that the applicant wishes to remove the cloud from the title created by the habendum in the original letters patent; and whereas the applicant applies for special legislation for such purposes; and whereas it is deemed expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The letters patent dated the 23rd day of September, 1909, granting to the Roman Catholic Episcopal Corporation of the Diocese of Sault Ste. Marie all of Lot 61 on the North Side of Seventh Street in the Town Plot of Gowganda in the Township of Nicol in the District of Timiskaming (formerly the District of Nipissing), being the lands registered in the Land Registry Office for the Land Titles Division of Timiskaming (No. 54) as Parcel 5986 in the register for Nipissing North Division, are amended by striking out "for church purposes" in the habendum of the letters patent as set out in the Preamble.

Amendment
to letters
patent

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Gowganda Town Plot Land Act, 1989*.

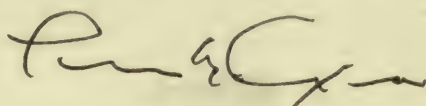
Bill Pr6

(Chapter Pr21
Statutes of Ontario, 1989)

Act respecting the Centre
culturel d'Orléans

Mr. Morin

1st Reading	July 5th, 1989
2d Reading	July 13th, 1989
3d Reading	July 13th, 1989
Royal Assent	July 13th, 1989

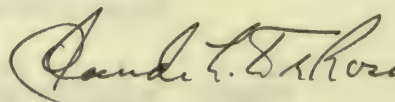


Projet de loi Pr6

(Chapitre Pr21
Lois de l'Ontario de 1989)

Loi concernant le Centre
culturel d'Orléans

M. Morin



CLERK
LEGISLATIVE ASSEMBLY

1 ^{re} lecture	5 juillet 1989
2 ^e lecture	13 juillet 1989
3 ^e lecture	13 juillet 1989
sanction royale	13 juillet 1989

Bill Pr6**1989****An Act respecting the Centre
culturel d'Orléans****Preamble**

Whereas the Centre culturel d'Orléans, herein called the Centre, was incorporated by letters patent on the 9th day of June, 1983; that the objects of the Centre are to acquire, maintain and operate a cultural centre; that on the 1st day of September, 1984, the council of The Corporation of the City of Gloucester leased the land described in the Schedule for the construction by the Centre of the cultural centre; that the cultural centre was constructed and has since its completion been maintained and operated in accordance with the purposes of the Centre; that the Centre is a registered charity within the meaning of the *Income Tax Act* (Canada); that it is desirable that provision be made to authorize the council of The Corporation of the City of Gloucester to exempt the real property of the Centre from taxation for municipal and school purposes, other than local improvement rates; and whereas the Centre has applied for special legislation for such purposes; and whereas it is expedient to grant the application;

R.S.C. 1952,
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Tax
exemption**

1.—(1) The council of The Corporation of the City of Gloucester may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, occupied by the Centre, being the lands and premises described in the Schedule, so long as the land is occupied and used solely for the purposes of the Centre.

R.S.O. 1980,
c. 31

Conditions

(2) An exemption granted under subsection (1) may be subject to conditions as may be set out in the by-law.

Restriction

(3) An exemption granted under subsection (1) does not apply in respect of any portion of the land used for commercial purposes.

Projet de loi Pr6

1989

Loi concernant le Centre
culturel d'Orléans

Attendu que le Centre culturel d'Orléans, ci-après appelé le Centre, a été constitué en personne morale par lettres patentes datées du 9 juin 1983; que la mission du Centre est d'acquiescer et de faire fonctionner un centre culturel; que le 1^{er} septembre 1984, le conseil de la cité de Gloucester a fourni, par voie de bail, le bien-fonds décrit à l'annexe pour permettre au Centre d'y construire le centre culturel; que le centre culturel a été construit et qu'il a fonctionné, depuis l'achèvement de la construction, conformément aux buts du Centre; que le Centre est un organisme de charité enregistré au sens de la *Loi de l'impôt sur le revenu* (Canada); qu'il est souhaitable que le conseil de la cité de Gloucester soit autorisé à exonérer les biens immeubles du Centre des impôts levés aux fins municipales et scolaires, à l'exception des redevances pour aménagements locaux; que le Centre a présenté une demande en vue d'obtenir l'adoption d'une loi spéciale à cette fin; et attendu qu'il est opportun de faire droit à cette demande;

Préambule

S.R.C. 1952,
chap. 148

Sa Majesté, sur l'avis et avec le consentement de l'Assemblée législative de la province de l'Ontario, décrète ce qui suit :

1 (1) Le conseil de la cité de Gloucester peut, par voie de règlement municipal, exonérer des impôts aux fins municipales et scolaires, à l'exception des redevances pour aménagements locaux, le bien-fonds, au sens de la définition figurant à la *Loi sur l'évaluation foncière*, occupé par le Centre et qui est décrit à l'annexe, tant que le bien-fonds est occupé et utilisé uniquement aux fins du Centre.

Exonération
d'impôtsL.R.O. 1980,
chap. 31

(2) L'exonération accordée en vertu du paragraphe (1) peut être assujettie aux conditions précisées dans le règlement municipal.

Conditions

(3) L'exonération accordée en vertu du paragraphe (1) ne s'applique pas à l'égard d'une partie du bien-fonds utilisée à des fins commerciales.

Restriction

Cancellation
of arrears

2. The council of The Corporation of the City of Gloucester may by by-law cancel any or all taxes levied for municipal and school purposes, other than local improvement rates, on the lands and premises described in the Schedule since the 1st day of September, 1984.

Deemed
exemption
R.S.O. 1980,
cc. 439, 31

3. For the purposes of subsection 121 (10) of the *Regional Municipality of Ottawa-Carleton Act*, the exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Centre culturel d'Orléans Act, 1989*.

SCHEDULE

That parcel of land and premises in the City of Gloucester, in The Regional Municipality of Ottawa-Carleton, being composed of that part of Lot 38, registrar's compiled Plan No. 906, designated as Parts 1 and 2 on Plan 5R-8061.

2 Le conseil de la cité de Gloucester peut adopter un règlement municipal annulant tout ou partie des impôts levés aux fins municipales et scolaires sur le bien-fonds décrit à l'annexe à compter du 1^{er} septembre 1984, à l'exception des redevances pour aménagements locaux.

Annulation de l'arriéré d'impôts

3 Pour l'application du paragraphe 121 (10) de la *Loi sur la municipalité régionale d'Ottawa-Carleton*, l'exonération d'impôts accordée en vertu de l'article 1 est réputée une exemption prévue à l'article 3 de la *Loi sur l'évaluation foncière*.

Exonération L.R.O. 1980, chap. 439, 31

4 La présente loi entre en vigueur le jour où elle reçoit la sanction royale.

Entrée en vigueur

5 Le titre abrégé de la présente loi est *Loi de 1989 sur le Centre culturel d'Orléans*.

Titre abrégé

ANNEXE

Le bien-fonds situé dans la cité de Gloucester, dans la municipalité régionale d'Ottawa-Carleton, constitué de la partie du lot 38 du plan dressé par le registrateur portant le numéro 906, et désigné comme les parties 1 et 2 sur le plan 5R-8061.

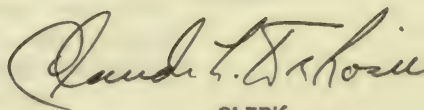


Bill Pr7

(Chapter Pr22
Statutes of Ontario, 1989)

An Act respecting Royal Botanical Gardens

Ms Collins



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	May 23rd, 1989
<i>2nd Reading</i>	July 13th, 1989
<i>3rd Reading</i>	July 13th, 1989
<i>Royal Assent</i>	July 13th, 1989

Bill Pr7

1989

An Act respecting Royal Botanical Gardens

Whereas the Board of the Royal Botanical Gardens hereby represents that it was incorporated by *The Royal Botanical Gardens Act, 1941*, being chapter 75, and that its membership was increased by *The Royal Botanical Gardens Act, 1954*, being chapter 125 and *The Royal Botanical Gardens Act, 1959*, being chapter 130; and whereas the applicant hereby applies for special legislation providing for a modification of its organization, government and administration; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“board of directors” means the board of directors of the Royal Botanical Gardens;

“corporation” means the corporation continued by subsection 2 (1).

2.—(1) The Board of the Royal Botanical Gardens, as incorporated by *The Royal Botanical Gardens Act, 1941*, being chapter 75, is continued as a corporation without share capital under the name of “Royal Botanical Gardens”, consisting of the members of the board of directors.

Corporation continued

(2) The fiscal year of the corporation begins on the 1st day of January in each year and ends on the 31st day of December in the same year.

Fiscal year

(3) The *Corporations Act* does not apply to the corporation.

R.S.O. 1980,
c. 95
not to apply

3. The objects of the corporation are,

Objects

- (a) to develop, assemble, document and maintain living collections of plants and animals;

- (b) to maintain nature preserves;
- (c) to protect specific environments and flora and fauna that are of special value as parental stocks or may be in danger of extinction;
- (d) to exhibit its collections to the public in cultivated and natural areas, museums and galleries;
- (e) to conduct botanical, horticultural and related biological research;
- (f) to prepare and distribute publications in the areas of research referred to in clause (e);
- (g) to act as an information resource centre for plant sciences and the understanding of natural phenomena, and conduct educational programs, including extension activities;
- (h) to develop supporting resources such as herbaria, libraries, conservatories, greenhouses and propagation facilities; and
- (i) to co-operate with other institutions of learning, research and extension on matters pertaining to biology, horticulture, landscape design, floral art and related pursuits appropriate to a botanical garden.

Board of
directors

4.—(1) The affairs of the corporation shall be managed and controlled by a board of directors composed of the following members:

1. A maximum of six persons appointed by the council of The Regional Municipality of Hamilton-Wentworth for a term concurrent with the council's term and until their successors are appointed.
2. A maximum of three persons appointed by the council of The Regional Municipality of Halton for a term concurrent with the council's term and until their successors are appointed.
3. Two persons appointed by the Lieutenant Governor in Council for a term of three years.
4. Two persons appointed by the Governor in Council, on the recommendation of the board of directors, for a term of three years.

5. If less than the maximum number of persons are appointed under paragraph 1, 2, 3 or 4, the board of directors may appoint persons in their stead for a term to be determined by by-law.
6. The President of McMaster University, by virtue of office.
7. The President of the Royal Botanical Gardens Auxiliary, by virtue of office.
8. Nine persons appointed by the board of directors to serve for a term to be determined by by-law.

(2) A vacancy that occurs on the board of directors shall be filled by the body or person that appointed the director whose office is vacant to hold office for the remainder of the unexpired term. Vacancies

(3) A majority of the appointed members of the board of directors constitutes a quorum. Quorum

(4) Every member of the board of directors may, with the consent of the corporation, be indemnified out of the funds of the corporation from all costs, charges and expenses sustained or incurred, Members indemnified

- (a) in any action or proceeding brought against the member in respect of any act, matter or thing done or permitted by the member in the execution of the duties of office; and
- (b) in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by the member's wilful neglect or default.

5. The board of directors has all the powers necessary to achieve the objects of the corporation and, without limiting the generality of the foregoing, may, Powers of board

- (a) make by-laws,
 - (i) respecting the administration of the corporation's affairs,
 - (ii) governing the use by the public of the corporation's facilities, property and equipment,
 - (iii) requiring the payment of fees for the admission of the public or any class of it to the

facilities and property, and prescribing the amounts of the fees,

- (iv) providing for memberships, and prescribing the qualifications and terms of membership and the fees, if any, to be paid for it, and
- (v) providing for and regulating meetings of the members;
- (b) appoint a chief operating officer who has general supervision and direction over the operation and staff of the corporation and providing for the termination of such appointment;
- (c) appoint, promote, transfer or remove officers and staff as are necessary for the proper conduct of the corporation's affairs;
- (d) fix the duties, salaries and qualifications of office or employment and other emoluments of the chief operating officer and members of the corporation's staff;
- (e) provide for the retirement and superannuation of persons mentioned in clauses (b) and (c);
- (f) appoint by resolution a director or directors of the board, or any other persons, to execute on behalf of the board of directors any documents and other instruments in writing and to affix the corporation's seal to them;
- (g) pass a by-law authorizing the directors to elect from among their number an executive committee consisting of at least three persons and to delegate to the executive committee any powers of the board of directors, subject to any restrictions contained in the by-law or imposed by the directors, and authorizing the directors to fix the quorum of the executive committee at not less than a majority of its members;
- (h) appoint committees from the directors and such other committees as are considered desirable, and confer upon them authority to act for the board of directors with respect to any matter;

- (i) establish, maintain and operate public gardens and related facilities as required or convenient for carrying out the corporation's objects;
- (j) enter into agreements with associations or organizations having objects similar to those of the corporation;
- (k) enter into agreements with the governing bodies of universities, colleges or schools in areas consistent with the corporation's objects, including the interchange of staff;
- (l) acquire, hold and dispose of real and personal property; and
- (m) solicit, receive and hold gifts for any purpose related to the corporation's objects on such trusts and conditions as seem proper to the board of directors, and administer and dispose of them in accordance with the trusts and conditions.

6.—(1) So long as the lands owned by the corporation are occupied by and used for the purposes of the corporation, they are exempt from taxes for municipal and school purposes other than local improvement rates.

Tax
exemption

(2) The exemption granted under subsection (1) does not apply to land used by the corporation to operate a tea house or to land described in the Schedule.

Restriction

(3) For the purposes of subsection 90 (9) of the *Regional Municipality of Halton Act* and subsection 101 (9) of the *Regional Municipality of Hamilton-Wentworth Act*, the exemption from taxation granted under subsection (1) shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Deemed
exemption
R.S.O. 1980,
cc. 436, 437,
31

7. The corporation's property and the income and profits of all its property shall be applied solely to achieving its objects.

Application
of property

8. The funds of the corporation not immediately required for its objects and the proceeds of all property that come to the corporation, subject to any trust affecting the property, may be invested and reinvested in any investments that the board of directors considers appropriate.

Investment of
funds

Audit

9.—(1) The accounts and financial transactions of the board of directors shall be audited annually by an auditor appointed by the board.

Annual report, etc.

(2) The corporation shall deliver a copy of the annual report to the Minister of Culture and Communications, the clerk of The Regional Municipality of Halton and the clerk of The Regional Municipality of Hamilton-Wentworth.

Idem

(3) A copy of the annual report shall be provided to any member of the Royal Botanical Gardens who requests a copy.

Borrowing powers

10.—(1) The board of directors may borrow money upon the credit of the corporation, may issue bonds, debentures or other securities of the corporation, may pledge or sell them for such sums or at such prices as may be considered expedient or necessary, and may use the corporation's real or personal property as collateral.

Trust property

(2) Nothing in this Act authorizes the board of directors to alienate or use as collateral any real or personal property acquired by the corporation on the condition that the property not be alienated or used as collateral.

Dissolution

11. Upon dissolution of the corporation and after payment of all debts and liabilities, the remaining property of the corporation shall be distributed or disposed of to a charitable organization in Canada having objects similar in nature to those of the corporation.

Transition

12. The members of the Board of the Royal Botanical Gardens holding office immediately before this Act comes into force shall continue to hold office and constitute the board of directors under this Act until the members of the board of directors are appointed or named under section 4.

Repeals

13. *The Royal Botanical Gardens Act, 1941*, being chapter 75, *The Royal Botanical Gardens Act, 1954*, being chapter 125 and *The Royal Botanical Gardens Act, 1959*, being chapter 130, are repealed.

Commencement

14. This Act comes into force on the day it receives Royal Assent.

Short title

15. The short title of this Act is the *Royal Botanical Gardens Act, 1989*.

SCHEDULE

Land in the Town of Flamborough as follows:

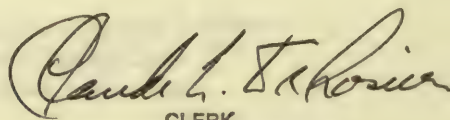
<i>Roll No.</i>	<i>Subordinate</i>	<i>Description</i>	<i>Area</i>
56700	0020	Concession 1, Part Lot 19	17.90
57000	0020	Concession 1, Part Lot 19	21.00
57400	0000	Concession 2, Part Lots 20 and 21	9.87
29800	0000	Concession 2, Part Lots 21 and 22	13.58

Bill Pr8

*(Chapter Pr1
Statutes of Ontario, 1990)*

An Act respecting National Capital Children's Oncology Care Inc.

Mr. Sterling



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	March 21st, 1990
<i>2nd Reading</i>	April 17th, 1990
<i>3rd Reading</i>	April 17th, 1990
<i>Royal Assent</i>	April 19th, 1990

Bill Pr8

1990

An Act respecting National Capital Children's Oncology Care Inc.

Whereas National Capital Children's Oncology Care Inc. hereby represents that it was incorporated under the laws of Canada on the 27th day of January, 1983; that it is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that it has a leasehold interest in land known municipally as 407 Smyth Road in the City of Ottawa; that the land is presently leased from the Children's Hospital of Eastern Ontario which has the freehold interest in the land; that National Capital Children's Oncology Care Inc. has erected on the land certain buildings; and whereas National Capital Children's Oncology Care Inc. hereby applies for special legislation to exempt the aforesaid land, occupied and used by it in the City of Ottawa from taxation for municipal and school purposes, other than local improvement rates; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, a reference to "National Capital Children's Oncology Care Inc." is a reference to "National Capital Children's Oncology Care Inc./Soins Encologiques pour les enfants de la Capitale Nationale Inc.".

Bilingual
name

2.—(1) The council of The Corporation of the City of Ottawa may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, occupied by the National Capital Children's Oncology Care Inc., being the land and buildings described in the Schedule, so long as the land is occupied and used solely for the purposes of National Capital Children's Oncology Care Inc.

Tax
exemptionR.S.O. 1980,
c. 31

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Condition

Deemed
exemption
R.S.O. 1980,
cc. 439, 31

3. For the purposes of subsection 121 (10) of the *Regional Municipality of Ottawa-Carleton Act*, the exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *National Capital Children's Oncology Care Inc. Act, 1990*.

SCHEDULE

The parcel of land being Part of Lot 15, Junction Gore in the City of Ottawa (formerly the Township of Gloucester), shown as Part 2 on a Plan registered in the Registry Office for the Registry Division of Ottawa-Carleton as No. 5R-11591, together with right-of-way over part of the said lot designated as Part 1 of Plan 5R-11591.

P. G. G. G.

Bill Pr9

*(Chapter Pr14
Statutes of Ontario, 1989)*

An Act respecting the City of Windsor

Mr. Cooke
(Windsor-Riverside)

David L. H. H.

CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	May 8th, 1989
<i>2nd Reading</i>	June 19th, 1989
<i>3rd Reading</i>	June 19th, 1989
<i>Royal Assent</i>	June 20th, 1989

CHLO
JUL 19 1961

Bill Pr9

1989

An Act respecting the City of Windsor

Whereas The Corporation of the City of Windsor, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this section, “ship” means a vessel propelled through water by any means of power. Definition

(2) Section 222 of the *Municipal Act* applies with necessary modifications to adult entertainment parlours on ships within the limits of the City of Windsor. By-laws
licensing
adult
entertainment
parlours on
ships
R.S.O. 1980,
c. 302

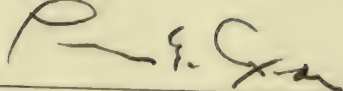
2.—(1) Section 3 of the *City of Windsor Act, 1988*, being chapter Pr9, is repealed and shall be deemed never to have come into force.

(2) Subsection 3 (9) of the *City of Windsor Act, 1982*, being chapter 94, shall be deemed to have been repealed on the 31st day of December, 1987.

(3) Despite subsections (1) and (2), a person who, contrary to section 3 of the *City of Windsor Act, 1982*, and any by-law thereunder, demolished a building after the 31st day of December, 1987 and before the coming into force of this Act is not liable to be prosecuted for the contravention of section 3 of the *City of Windsor Act, 1982* and any by-law thereunder.

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. The short title of this Act is the *City of Windsor Act, 1989*. Short title

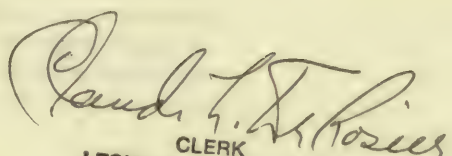


Bill Pr10

*(Chapter Pr15
Statutes of Ontario, 1989)*

An Act to revive 561239 Ontario Inc.

Mr. Chiarelli



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	May 2nd, 1989
<i>2nd Reading</i>	June 19th, 1989
<i>3rd Reading</i>	June 19th, 1989
<i>Royal Assent</i>	June 20th, 1989



Bill Pr10

1989

An Act to revive 561239 Ontario Inc.

Whereas John MacDonald, Wayne Paton and Thomas Ireson hereby represent that 561239 Ontario Inc., herein called the Corporation, was incorporated by certificate of incorporation dated the 25th day of November, 1983; that the Minister of Consumer and Commercial Relations by order dated the 21st day of August, 1986, and made under the authority of section 239 of the *Business Corporations Act, 1982*, being chapter 4, cancelled the certificate of incorporation of the Corporation for default in complying with section 5 of the *Corporations Information Act*, and declared the Corporation to be dissolved on the 21st day of August, 1986; that the applicants were all the directors and the holders of the common shares of the Corporation at the time of its dissolution; that the request under section 5 of the *Corporations Information Act*, although sent to each of the applicants as directors, was received by two of them who forwarded them on to John MacDonald, the chief corporate officer, for action but were not received by him; that none of the directors was aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of its dissolution was carrying on active business and active business has continued to be carried on in the name of the Corporation since the time of its dissolution; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1980,
c. 96

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. 561239 Ontario Inc. is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Revival

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is *561239 Ontario Inc. Act, 1989*.

P. J. C. G. v.

Bill Pr12

*(Chapter Pr16
Statutes of Ontario, 1989)*

An Act respecting The Madawaska Club Limited

Mr. Black

Paul H. H. H. H.
CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	May 9th, 1989
<i>2nd Reading</i>	June 19th, 1989
<i>3rd Reading</i>	June 19th, 1989
<i>Royal Assent</i>	June 20th, 1989

Bill Pr12

1989

**An Act respecting
The Madawaska Club Limited**

Whereas The Madawaska Club Limited, herein called the Club, hereby represents that it was incorporated with share capital by letters patent dated the 12th day of July, 1898; that the letters patent provide that shares of the Club or any interest in land held by the Club may not be acquired, held by, assigned or transferred to any person, other than certain specified persons, who is not a graduate, undergraduate or official of The University of Toronto or of The School of Practical Science; that any lands conveyed or leased in disregard thereof are forfeited to the Crown; that the Crown in right of Ontario, by letters patent dated the 6th day of October, 1952 granted to the Club the lands described in the Schedule; that the said letters patent superseded letters patent granting the same lands to the Club dated the 23rd day of October, 1904 and the 18th day of August, 1913 which contained errors; that the letters patent dated the 6th day of October, 1952 provide that they are issued subject to the limitations and conditions set out in the 1898 letters patent; that the applicant wishes the letters patent dated the 6th day of October, 1952 be amended to remove the provision restricting the acquisition of interest in the lands; and whereas the applicant applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The letters patent dated the 6th day of October, 1952, granting to The Madawaska Club Limited the lands described in the Schedule, are amended by striking out, in the seventh paragraph, the following:

Letters
patent
amended

and that, while there may be transfers of particular portions of the said lands from one shareholder of the Club to another shareholder therein, no person not connected with The University of Toronto or The School of

Practical Science in the manner and to the extent defined in the Charter of the said Club, other than those specified in the said Charter, shall acquire any interest in any of the said lands.

PROVIDED, always, that any of the said lands conveyed or leased in disregard hereof shall thereby become forfeited to Us, Our Heirs and Successors.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Madawaska Club Limited Act, 1989*.

SCHEDULE

The land situate in the Township of Georgian Bay, formerly in the Township of Gibson, in The District Municipality of Muskoka containing 1124 and 5/10th acres, more or less, and being composed of broken lots 45, 47 and 48 in the ninth concession, lots 43, 44, 45, 46, 47, 48, 49 and 50 in the tenth concession, lots 43, 44, 45 and 46 in the eleventh concession, lots 43, 44, 45 and 46 in the twelfth concession and Lot 46 in the thirteenth concession in the Township of Georgian Bay, as shown on Plan M-163, filed in the Office of Land Titles at Bracebridge, Ontario.

Together with all pine trees on that part of the lands granted by the letters patent lying south of the Go-Home River, but excepting and reserving unto the Crown, all pine trees on that part thereof lying north of the said river.

Excepting and reserving unto the Crown, the free use, passage and enjoyment of all navigable waters found on or under or flowing through or upon any part of the said parcel.

Being the whole of Parcel 10622.

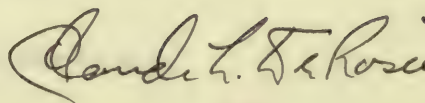


Bill Pr13

*(Chapter Pr23
Statutes of Ontario, 1989)*

An Act respecting the City of Hamilton

Ms Collins



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 27th, 1989
<i>2nd Reading</i>	July 13th, 1989
<i>3rd Reading</i>	July 13th, 1989
<i>Royal Assent</i>	July 13th, 1989

Bill Pr13

1989

An Act respecting the City of Hamilton

Whereas The Corporation of the City of Hamilton, herein Preamble
called the Corporation, hereby applies for special legislation
in respect of the matters hereinafter set forth; and whereas it
is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Definitions

“employee” includes a person who,

- (a) performs any work for or supplies any services to an employer, or
- (b) receives any instructions or training in the activity, business, work, trade, occupation or profession of the employer;

“inspector” means a person appointed by the council of the Corporation under clause 2 (1) (j);

“smoking” includes carrying a lighted cigar, cigarette or pipe and “smoke” has a corresponding meaning;

“smoking policy” means a written policy that attempts to accommodate the preferences of smokers and non-smokers in a workplace;

“supervisor” means a person who has charge of a workplace or authority over an employee;

“workplace” means any enclosed area of a building or structure in which an employee works.

2.—(1) The council of the Corporation may pass by-laws, By-laws
respecting
smoking in
the
workplace

- (a) requiring every employer in the City of Hamilton, or any class thereof, within the time specified in the by-law, to adopt and implement a smoking policy in respect of each workplace under the control, supervision or ownership of the employer;
- (b) requiring every employer required by by-law to adopt and implement a smoking policy and every such employer and every supervisor employed by such employer to maintain that smoking policy in the workplace for which it was adopted and to give notice of the adoption of the smoking policy to each employee in the workplace within the time specified in the by-law;
- (c) providing that the smoking policy shall either totally prohibit smoking in the workplace or shall prohibit smoking in the workplace except in designated smoking rooms and designated smoking areas;
- (d) providing that a reception area, lobby, hallway, washroom or private office shall not be a designated smoking room or designated smoking area;
- (e) requiring that designated smoking areas and designated smoking rooms be clearly identified as such;
- (f) providing that, in establishing designated smoking rooms and designated smoking areas, the employer shall take into account the concerns and preferences of both non-smoking and smoking employees;
- (g) requiring that a designated smoking room be enclosed and ventilated in accordance with the by-law, but no employer shall be required to make any expenditures or structural alterations to the workplace to accommodate the preferences of either non-smoking or smoking employees;
- (h) providing that parts of a dining room, cafeteria or lunch room, not exceeding a total of 80 per cent of the room's seating capacity, may be designated smoking areas, and providing that the employer shall use moveable or permanent dividers to clearly separate designated smoking areas from non-smoking areas;
- (i) prohibiting any person from smoking in a workplace contrary to the smoking policy adopted for that workplace;

- (j) appointing inspectors;
- (k) prescribing the size, location and details of the signs which an employer or supervisor is required by the by-law to erect in the workplace;
- (l) prescribing the method by which any notice is required to be given by the employer or supervisor; and
- (m) providing that any employer or supervisor who permits smoking in a workplace contrary to the smoking policy adopted for that workplace is guilty of an offence.

(2) A by-law passed under clause (1) (g) may require that designated smoking rooms in a building or structure constructed after 1991 be ventilated separately from the remainder of the building or structure.

Ventilation
requirements

3.—(1) For the enforcement of any by-law passed under this Act, an inspector, upon producing proper identification, may, at all reasonable hours, enter any workplace or any building or structure in which a workplace is situate, and may make examinations, investigations and inquiries.

Inspection of
workplace

(2) An inspector who enters a workplace under subsection (1) may request the production of property relevant to the investigation and the person in control of the property shall make it available for inspection.

Inspection of
property

(3) An inspector may remove a document in order to make copies but shall promptly return it to the person from whom it was taken.

Copies

(4) A copy of a document removed is admissible in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the original document and its contents.

Admissibility
of copies

(5) If a workplace is also a dwelling,

Where
workplace is
a dwelling

- (a) no inspector may enter that workplace without the consent of the occupant or without first obtaining and producing a warrant; and
- (b) the inspection is limited to that part of the dwelling used as a workplace.

Obstruction
of inspector
prohibited

(6) No person shall hinder or obstruct an inspector lawfully carrying out the enforcement of any by-law passed under this section.

Application
for warrant

(7) An inspector may apply to a justice of the peace for a warrant if an entry and inspection is reasonably necessary to enforce the by-law and if any person,

- (a) denies entry or access to an inspector through or over a workplace or through or over any building or structure in which a workplace is situate;
- (b) instructs or directs an inspector to leave a workplace or any building or structure in which a workplace is situate;
- (c) obstructs an inspector from carrying out the enforcement of a by-law passed under this Act; or
- (d) refuses to comply with a request for the production of any thing, the production of which is requested for the purpose of an examination, investigation or inquiry.

Warrant by
justice of the
peace

(8) A justice of the peace may issue a warrant authorizing an inspector to act as mentioned in clause (a) in respect of the workplace or building or structure specified in the warrant, by force if necessary, together with such police officers as may be called upon to assist the inspector if the justice of the peace is satisfied on evidence under oath,

- (a) that there is reasonable and probable ground for believing that it is necessary,
 - (i) to enter and have access to any workplace or any building or structure in which a workplace is situate to enforce the by-law, or
 - (ii) to make examinations, investigations and inquiries for the purpose of this Act or the enforcement of any by-law passed under this Act; and
- (b) that an inspector,
 - (i) has been denied entry to the workplace or to any building or structure in which a workplace is situate,

(ii) has been instructed or directed to leave the workplace or any building or structure in which a workplace is situate,

(iii) has been obstructed, or

(iv) has been refused production of any thing related to an examination, investigation or inquiry.

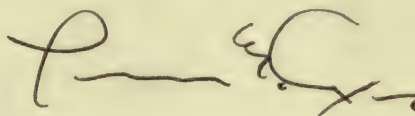
(9) A warrant issued under this section shall be executed at reasonable times as specified in the warrant. Execution of warrant

(10) A warrant issued under this section shall state the date upon which it expires, which shall be a date not later than fifteen days after the warrant is issued. Expiry of warrant

(11) A justice of the peace may receive and consider an application for a warrant under this section without notice to and in the absence of the employer, owner, occupier or supervisor of the workplace or of the building or structure in which a workplace is situate. Application without notice

4. This Act comes into force on the day it receives Royal Assent. Commence-ment

5. The short title of this Act is the *City of Hamilton Act*, 1989. Short title

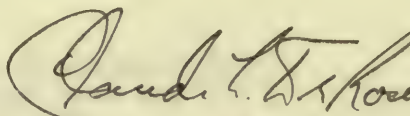


Bill Pr16

*(Chapter Pr24
Statutes of Ontario, 1989)*

An Act respecting London Regional Art and Historical Museums

Mr. Reycraft



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 27th, 1989
<i>2nd Reading</i>	July 13th, 1989
<i>3rd Reading</i>	July 13th, 1989
<i>Royal Assent</i>	July 13th, 1989

Bill Pr16

1989

An Act respecting London Regional Art and Historical Museums

Whereas The Corporation of the City of London hereby applies for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“board” means the board of directors of the Museums;

“City” means The Corporation of the City of London;

“corporation” means London Regional Art and Historical Museums referred to in subsection 2 (1);

“general membership” means the general membership referred to in section 6.

2.—(1) London Regional Art Gallery is hereby continued as a non-profit corporation without share capital under the name “London Regional Art and Historical Museums”.

Corporation
continued

(2) The objects of the corporation are,

Objects

(a) to provide a permanent community institution in the service of society and its development, for use by the public;

(b) to acquire, conserve, research, communicate and exhibit, for purposes of study, education and enjoyment, material evidence of people and their environment;

- (c) to provide a community facility for acquiring, conserving, preserving and exhibiting art and artifacts, and for provide a comprehensive education and research program;
- (d) to maintain the proper environment for the maintenance and exhibition of the collection.

Board of
directors

3.—(1) The corporation shall be under the management and control of a board of directors consisting of,

- (a) one person appointed by and from the council of the City for a term of office not exceeding three years as the council shall decide;
- (b) one person appointed by and from The London and Middlesex Historical Society for a term of office not exceeding three years as the Society shall decide;
- (c) one person appointed by and from The London Public Library Board for a term of office not exceeding three years as the Library Board shall decide;
- (d) one person elected by and from Canadian Artists' Representation for a term of office not exceeding three years as Canadian Artists' Representation shall decide;
- (e) two persons appointed by and from the London Historical Museums Association for a term of office not exceeding three years as the Association shall decide;
- (f) two persons elected by and from the Volunteer Committee of the corporation for a term of office not exceeding three years as the Volunteer Committee shall decide;
- (g) four persons elected by and from the general membership of the corporation for a term of office not exceeding three years as the general membership shall decide; and
- (h) nine persons elected under subsection (2) for a term of office not exceeding three years as the board shall decide.

Idem

(2) The directors appointed or elected under clauses (1) (a) to (g) shall elect nine directors, one of whom shall be a pro-

fessional artist who resides in the City of London or the County of Middlesex and who is not a member of Canadian Artists' Representation.

(3) Before electing any of the nine directors referred to in subsection (2), the board shall publish a notice in a newspaper of general circulation in the City of London and County of Middlesex inviting nominations or applications of persons for election to the nine directorships and shall consider the nominations or applications. Notice

(4) The board and the electing and appointing bodies referred to in clauses (1) (a) to (g) shall, in consultation with each other, stagger or vary the length of terms of office of directors appointed or elected by them so that as nearly as possible the terms of office of seven directors shall expire annually and, if the board and the electing and appointing bodies are unable to agree on the order in which the directors' terms are to expire, the board shall determine the matter. Staggered terms

(5) The failure to appoint or elect a director as provided in subsection (1), (2) or (7) does not invalidate the composition of the board or impair the powers of the board or of the remaining directors and, if a default continues for three months after an appointment or election should have been made, the remaining directors may, but are not obliged to, elect a director to fill the vacancy. Effect of vacancy

(6) A vacancy on the board occurs when a director resigns, dies or becomes incapable of acting as a director or if the board by resolution declares the seat of a director to be vacant by reason of his or her absence from three consecutive meetings of the board without being authorized to do so by the board. Board vacancy

(7) If a vacancy on the board occurs before the term of office for which a person has been appointed or elected has expired, the vacancy may be filled by the same authority which appointed or elected the person whose seat is vacant, and a person so appointed or elected shall hold office for the remainder of the unexpired term. Idem

(8) Directors shall hold office until their successors are appointed or elected and, subject to subsection (9), are eligible for reappointment or re-election. Reappointment

(9) No director shall hold office for more than two consecutive terms of three years each, but is again eligible for reappointment or re-election after a lapse of one year after the expiration of the second of the two consecutive terms. Idem

Directors to
serve without
compensation

(10) The directors shall serve without compensation, and no director shall, directly or indirectly, receive profit by virtue of being a director but reasonable expenses incurred in the performance of his or her duty may be paid.

Chairperson
and vice-
chairperson

4.—(1) The board shall appoint or elect a chairperson and a vice-chairperson annually from among the directors and may provide that, upon the expiration of the term of office of the chairperson, the vice-chairperson shall become the chairperson of the board.

Quorum

(2) The board may fix its quorum which shall not be less than one-half of its members and no business shall be transacted by the board except at a meeting of its members at which a quorum of the board members is present.

Meetings

(3) The board shall meet at least six times a year.

Executive
committee

5.—(1) The board shall elect from among the directors an executive committee consisting of at least eight and no more than ten directors and the board may delegate to the executive committee any powers of the board subject to any restrictions imposed by the board.

Quorum

(2) The executive committee may fix its quorum which shall not be less than one-half of its members and no business shall be transacted by the executive committee except at a meeting of its members at which a quorum of the executive committee is present.

Meetings

(3) The executive committee shall meet at least once a month.

Committees

(4) The board may establish other committees and may delegate to the committees such powers and duties as the board may determine.

Advisory
committee

(5) The board may appoint advisory committees composed of such persons as the board may determine.

General
membership

6. The board may recognize and designate those persons who make subscriptions, gifts or donations of funds to the corporation for any of its purposes as a general membership consisting of the following categories or such other categories as the board may establish:

1. Individual donors.
2. Corporate donors.

3. Patrons.
4. Benefactors.
5. Sustaining members.
6. Life members.

7. The board has such powers as are necessary for the purpose of carrying out its objects, including the power,

Powers of
board

- (a) to purchase or otherwise acquire and to hold and to sell or otherwise dispose of any property for the purposes of the corporation;
- (b) to plan, erect, alter, maintain, operate and manage art and historical museums within the City of London;
- (c) subject to the *Charitable Gifts Act*, to collect and raise money by way of grants, gifts, donations, bequests, legacies and other payments and to hold, expend or deal with such funds; and
- (d) to invest, in investments authorized under the *Trustee Act* for the investment of trust funds, moneys of the corporation not immediately required for its purposes.

R.S.O. 1980,
c. 63

R.S.O. 1980,
c. 512

8.—(1) In this section, “library board” means The London Public Library Board.

Definition

(2) The library board may convey to the City or, with the consent of the City, to the corporation by way of gift, the interest of the library board in such works of art and historical artifacts, including paintings, prints, woodcuts and sculptures, as the library board may by resolution determine.

Conveyance
of works of
art, etc., to
City or
corporation

(3) The works of art and historical artifacts conveyed shall be used and administered in accordance with the purposes defined by any deed, will or other instrument creating any trust or obligation with respect thereto, and the library board is discharged from all obligations and trusts with respect to the works of art and historical artifacts so conveyed.

Idem

(4) All trust funds held by the library board for the sole benefit of operating an art gallery and museum which immediately before the 20th day of December, 1979 were vested in and were under the control of the library board continue to be vested in the corporation.

Vesting of
trusts

Idem

(5) All trust funds held by the library board for the sole benefit of that part of the operations of the library board known as the London Historical Museums which immediately before the coming into force of this Act were vested in and were under the control of the library board vest in the City or, with the consent of the City, in the corporation.

Use of trust funds

(6) The trust funds mentioned in subsections (4) and (5) shall be used and administered in accordance with the purposes defined by the deed, will or other instrument creating the trust, and the library board is discharged from all obligations with respect to these trust funds.

Transfer of property to City

(7) All gifts, trusts, bequests, devises and grants of property or the income or proceeds thereof, heretofore or hereafter expressed in writing to be made, given or conveyed to the library board solely for operating an art gallery and museum or solely for the London Historical Museums shall, in so far as the same had not vested in possession or been carried into effect on the day this Act comes into force, in the absence of any intention to the contrary set out in the deed, will or other instrument in writing, be construed as though the same had been expressed to be made to the City or, with the consent of the City, to the corporation.

Idem

(8) The executor, trustee or other person charged with the duty of carrying into effect or administering the deed, will or other instrument described in subsection (7) shall pay over or transfer all moneys and property to the City or, with the consent of the City, to the corporation when the same becomes payable or transferable, and the receipt of the City or the corporation is sufficient discharge therefor.

Disposition by library board to City or corporation

(9) The library board may convey or otherwise give to the City or, with the consent of the City, to the corporation any property of the library board not mentioned in this section that is no longer required by the library board for operating an art gallery and museum or for the London Historical Museums.

Use of City property by Museums

9. Where the City has an interest in any property, including works of art or historical artifacts, or holds any trust funds for any purpose or under any trust or obligation that is consistent with the objects of the corporation, the City may, subject to the terms of any gift, trust, bequest, devise, grant or loan of such property or trust funds,

- (a) provide for the use, administration, conservation, protection and preservation by the corporation of

the property, on such terms and conditions as the council of the City may decide;

- (b) provide for payment to the corporation of all or a portion of the trust funds or the income therefrom on such terms and conditions as the council of the City may decide; and
- (c) enter into agreements with the corporation to give effect to the matters mentioned in clauses (a) and (b).

10. The head office of the corporation shall be in the City Head Office
for the purposes of the County of Middlesex.

11. The corporation shall be deemed to be a local board Corporation
deemed local
board for
purposes of
R.S.O. 1980,
c. 348
for the purposes of the *Ontario Municipal Employees Retirement System Act*.

12. Property vested in or controlled by the corporation Exemption
from taxation
shall be deemed to be exempt from taxation for municipal and school purposes in accordance with paragraph 9 of section 3 of the *Assessment Act*.
R.S.O. 1980,
c. 31

13. Subject to any instrument creating any trust or obligation with respect to the works of art and historical artifacts owned, possessed or controlled by the corporation, the property of the corporation upon its dissolution shall be distributed, after the payment of all debts and liabilities, to the City or to such organizations, having objects similar to those of the corporation, as may be designated by the council of the City, to be used for the purpose of such objects. Dissolution

14. The *London Regional Art Gallery Act, 1984*, being Repeal
chapter Pr 16, is repealed.

15. This Act shall be deemed to have come into force on Commence-
ment
the 1st day of January, 1989.

16. The short title of this Act is the *London Regional Art and Historical Museums Act, 1989*. Short title

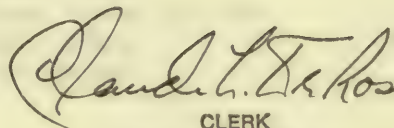


Bill Pr18

*(Chapter Pr25
Statutes of Ontario, 1989)*

An Act respecting Fort Erie Community Young Men's Christian Association

Mr. Haggerty



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 6th, 1989
<i>2nd Reading</i>	July 13th, 1989
<i>3rd Reading</i>	July 13th, 1989
<i>Royal Assent</i>	July 13th, 1989

Bill Pr18

1989

An Act respecting Fort Erie Community Young Men's Christian Association

Whereas the Fort Erie Community Young Men's Christian Association, herein called the Association, hereby represents that it was incorporated under the laws of Ontario in 1964; that the object of the Association is to improve the spiritual, moral, social, educational and physical life of its members and others; that the Association is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that it is desirable that the real property of the Association situate in the Town of Fort Erie be exempted from taxation for municipal and school purposes, other than local improvement rates; and whereas the Association hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the Town of Fort Erie may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, occupied by the Association, being the land described in the Schedule, so long as the land is owned, occupied and used solely for the purposes of the Association.

Tax
exemptionR.S.O. 1980,
c. 31

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Conditions

(3) No exemption shall be granted under subsection (1) until a building is erected on the land and is used by the Association for carrying out its programs.

Idem

(4) For the purposes of subsection 128 (10) of the *Regional Municipality of Niagara Act*, the exemption from taxation granted under subsection (1) shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Deemed
exemptionR.S.O. 1980,
c. 438

Commence-
ment

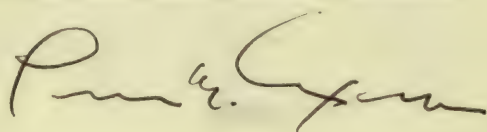
2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Fort Erie Community Young Men's Christian Association Act, 1989.*

SCHEDULE

The land in the Town of Fort Erie, in The Regional Municipality of Niagara, being composed of Part of Lot No. 7, Concession 3, Lake Erie, designated as Part 3 on Reference Plan No. 59R-5645, deposited in the Land Registry Office for the Registry Division of Niagara South (No. 59).

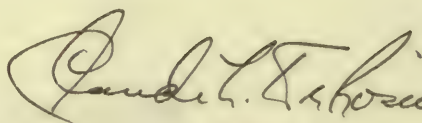


Bill Pr20

(Chapter Pr26
Statutes of Ontario, 1989)

An Act to revive Bolsward Investments Limited

Mr. Ballinger



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 29th, 1989
<i>2nd Reading</i>	July 13th, 1989
<i>3rd Reading</i>	July 13th, 1989
<i>Royal Assent</i>	July 13th, 1989

Bill Pr20

1989

An Act to revive Bolsward Investments Limited

Whereas Hylke Visser hereby represents that Bolsward Investments Limited, herein called the Corporation, was incorporated by letters patent dated the 13th day of March, 1973; that the Minister of Consumer and Commercial Relations by order dated the 31st day of March, 1981, and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 31st day of March, 1981; that the applicant was the director and sole holder of the common shares of the Corporation at the time of its dissolution; that notices of default in filing annual returns, although sent to the applicant as director, were not received by him and he was not aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of its dissolution was carrying on active business and active business has continued to be carried on in the name of the Corporation since the time of the dissolution; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Bolsward Investments Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Corporation
revived

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

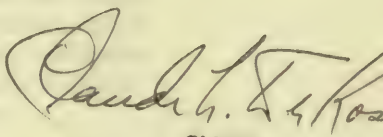
3. The short title of this Act is the *Bolsward Investments Limited Act, 1989*.

Bill Pr19

(Chapter Pr17
Statutes of Ontario, 1989)

An Act to revive Port Bruce Boat Club

Miss Roberts


CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	April 26th, 1989
<i>2nd Reading</i>	June 19th, 1989
<i>3rd Reading</i>	June 19th, 1989
<i>Royal Assent</i>	June 20th, 1989

Bill Pr19

1989

An Act to revive Port Bruce Boat Club

Whereas Hulme Pattinson and Donald Campbell hereby represent that Port Bruce Boat Club, herein called the Corporation, was incorporated by letters patent dated the 4th day of December, 1957; that the Minister of Consumer and Commercial Relations by order dated the 17th day of July, 1979 and made under the authority of subsection 251 (3) of *The Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in filing annual returns under *The Corporations Information Act*, 1976, being chapter 66, and declared the Corporation to be dissolved on the 17th day of July, 1979; that the applicants are the only remaining members of the Corporation; that notice of default was apparently sent to the Corporation at its address as shown in the files of the Ministry of Consumer and Commercial Relations; that the default occurred by reason of inadvertence; that none of the applicants was aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of its dissolution was carrying on the social and other functions authorized by its letters patent and since that time those functions have continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Port Bruce Boat Club is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

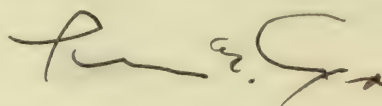
Corporation
revived

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Port Bruce Boat Club Act, 1989*.

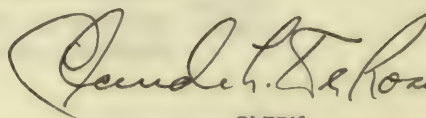


Bill Pr21

*(Chapter Pr27
Statutes of Ontario, 1989)*

An Act respecting South Simcoe Railway Heritage Corporation

Mr. McCague



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	May 1st, 1989
<i>2nd Reading</i>	July 13th, 1989
<i>3rd Reading</i>	July 13th, 1989
<i>Royal Assent</i>	July 13th, 1989

Bill Pr21

1989

An Act respecting South Simcoe Railway Heritage Corporation

Whereas South Simcoe Railway Heritage Corporation, herein called the Corporation, hereby represents that it was incorporated by letters patent dated the 15th day of April, 1953; that the Corporation is making preparations to operate an excursion train between Tottenham and Beeton, both in the Province of Ontario; that there is doubt cast as to whether the Corporation could operate a railway without being incorporated by a special Act of the Legislature; and whereas the Corporation hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Although the South Simcoe Railway Heritage Corporation was incorporated under the *Corporations Act*, it shall, for the purposes of *The Railways Act*, be deemed to be and to always have been incorporated by a special Act.

Deeming provision
 R.S.O. 1980,
 c. 95
 R.S.O. 1950,
 c. 331
2. Despite section 3, subsection 4 (1), sections 17 and 117 of the *Corporations Act*, that Act applies to the Corporation in respect of its corporate structure and corporate procedures as if it were not operating a railway.

Corporate structure, procedures
3. *The Railways Act* applies to the Corporation in respect of its operation of a railway.

Operation of railway
4. The Ontario Municipal Board shall not approve an application by the Corporation under section 174 of *The Railways Act* unless the Ministry of Transportation certifies to the Board that the equipment, track and operating procedures of the railway permit the railway to be operated in a safe manner.

Conditions for approval to operate railway
5. The Corporation shall annually provide to the Ontario Municipal Board a certificate from a professional engineer

Annual safety inspection and certificate

stating that the facilities and operating procedures of the railway are in accordance with generally accepted railways practices and are sufficient to protect the safety of the public.

Costs

6. The cost of the inspection and certification required under section 4 or 5 shall be borne by the Corporation.

**Powers of
O.M.B.
R.S.O. 1950,
c. 331**

7. Nothing in this Act shall be construed to derogate from the powers of the Ontario Municipal Board under *The Railways Act*.

**Commence-
ment**

8. This Act comes into force on the day it receives Royal Assent.

Short title

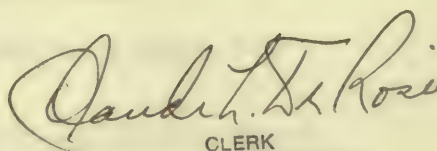
9. The short title of this Act is the *South Simcoe Railway Heritage Act, 1989*.

Bill Pr22

(Chapter Pr18
Statutes of Ontario, 1989)

An Act to continue The Corporation of the Village of Killaloe Station under the name of The Corporation of the Village of Killaloe

Mr. Reycraft


CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	May 11th, 1989
<i>2nd Reading</i>	June 19th, 1989
<i>3rd Reading</i>	June 19th, 1989
<i>Royal Assent</i>	June 20th, 1989



Bill Pr22

1989

**An Act to continue The Corporation of the Village
of Killaloe Station under the name of
The Corporation of the Village of Killaloe**

Whereas The Corporation of the Village of Killaloe Station hereby applies for special legislation to change its name to The Corporation of the Village of Killaloe; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Village of Killaloe Station is hereby continued under the name of The Corporation of the Village of Killaloe.

Name change

2. Any references to The Corporation of the Village of Killaloe Station in any Act, regulation, by-law, agreement or other document passed, made, entered into or executed before the coming into force of this Act shall be deemed to be a reference to The Corporation of the Village of Killaloe.

References to
former name

3. *The Village of Killaloe Station Act, 1960*, being chapter 146, is repealed.

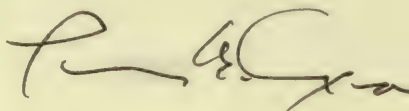
Repeal

4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

5. The short title of this Act is the *Village of Killaloe Act*, 1989.

Short title

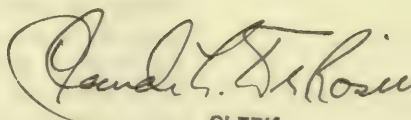


Bill Pr23

(Chapter Pr28
Statutes of Ontario, 1989)

An Act to revive Bruce Office Supply Limited

Mr. Harris



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	May 18th, 1989
<i>2nd Reading</i>	July 13th, 1989
<i>3rd Reading</i>	July 13th, 1989
<i>Royal Assent</i>	July 13th, 1989

Bill Pr23

1989

An Act to revive Bruce Office Supply Limited

Whereas, Edwina L. Lechlitner, hereby represents that Bruce Office Supply Limited, herein called the Corporation, was incorporated by letters patent dated the 12th day of June, 1963; that the Corporation was dissolved on the 31st day of January, 1983 for failure to comply with the *Corporations Tax Act*, being chapter 97 of the Revised Statutes of Ontario, 1980; that the applicant was the director and holder of all of the common shares of the Corporation at the time of its dissolution; that notice of default, although sent to the applicant as director, was not received by the applicant; that the Corporation at the time of its cancellation was carrying on active business and active business has continued to be carried on in the name of the Corporation since the time of its dissolution; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Bruce Office Supply Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

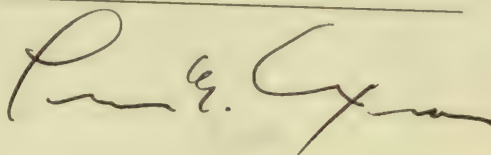
Revival

2. This Act comes into force on the day it receives Royal Assent.

Commencement

3. The short title of this Act is the *Bruce Office Supply Limited Act, 1989*.

Short title

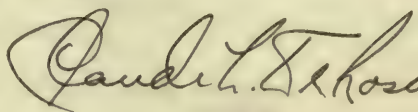


Bill Pr24

*(Chapter Pr29
Statutes of Ontario, 1989)*

**An Act respecting the City of Kingston and the
townships of Kingston, Pittsburgh and Ernestown**

Mr. Keyes



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 7th, 1989
<i>2nd Reading</i>	July 13th, 1989
<i>3rd Reading</i>	July 13th, 1989
<i>Royal Assent</i>	July 13th, 1989

Bill Pr24

1989

An Act respecting the City of Kingston and the townships of Kingston, Pittsburgh and Ernestown

Whereas The Corporation of the City of Kingston, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the Township of Ernestown wish to form a taxi licensing commission so that there would be one taxi licensing body for the four municipalities; and whereas the participating municipalities hereby apply for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“Commission” means the Taxi Licensing Commission established under subsection 2 (1);

“participating municipalities” means The Corporation of the City of Kingston, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the Township of Ernestown.

2.—(1) The Taxi Licensing Commission is hereby established as a corporation.

Commission established

(2) Subject to subsection (3), the Commission shall be composed of,

Composition of Commission

- (a) three members appointed by the council of The Corporation of the City of Kingston;
- (b) two members appointed by the council of The Corporation of the Township of Kingston;
- (c) one member appointed by the council of The Corporation of the Township of Pittsburgh; and

- (d) one member appointed by the council of The Corporation of the Township of Ernestown.

Idem

(3) The composition of the Commission shall be varied by by-law of the Commission as necessary to ensure representation by population but each participating municipality is entitled to at least one member.

Term

(4) Members of the Commission shall serve for one year and until their successors are appointed but no member shall hold office beyond the term of the council that made the appointment.

Reappointment

(5) Members of the Commission are eligible for reappointment.

Vacancies

(6) A vacancy shall be filled by the council that made the original appointment for the unexpired portion of the term.

Chairperson

(7) The Commission shall elect a chairperson from among its members.

Quorum

(8) A majority of the members of the Commission constitutes a quorum.

Licensing of taxicabs

3.—(1) The Commission may pass by-laws for licensing, regulating and governing the owners and drivers of taxicabs.

Idem

(2) The power to license, regulate and govern the owners and drivers of taxicabs includes,

- (a) the power to grant, refuse, revoke or suspend a licence;
- (b) the power to make any licence subject to such conditions as the Commission may prescribe; and
- (c) the power to establish and collect licence fees.

Contents of by-law

(3) A by-law under subsection (1) may,

- (a) establish rates or fares to be charged by the owners or drivers of taxicabs for the conveyance of goods or passengers within the area comprising the participating municipalities or to any point not more than five kilometres beyond the limits of that area;
- (b) provide for the collection of the rates or fares established under clause (a); and

(c) limit the number of taxicabs.

(4) A by-law passed under subsection (1) may exempt from all or any of its provisions, upon such conditions as may be set out in the by-law, the owners and drivers of taxicabs, Exemptions

(a) engaged in the conveyance of children taking the taxicab both to and from nursery school, school or other full-time educational institution; or

(b) engaged in the conveyance of physically, emotionally or mentally handicapped persons, as defined in the by-law, from any point within the participating municipalities to any point outside the participating municipalities if the conveyance is made pursuant to a written contract and the taxicab is licensed under a by-law passed by any municipality.

(5) A by-law passed under subsection (1) may exempt from all or any of its provisions the owners and drivers of taxicabs with respect to which there is a valid and subsisting licence issued before the coming into force of this Act by a municipality named in the by-law. Idem

4. The power of the participating municipalities to license, regulate and govern the owners and drivers of taxicabs under the *Municipal Act* or any special Act is vested in the Commission. Transfer of power
R.S.O. 1980,
c. 302

5.—(1) The Commission shall not refuse to grant a licence or revoke the licence of any person without affording that person an opportunity to be heard. Hearing

(2) Despite subsection (1), a licence may be temporarily suspended by the Commission for up to two weeks or until a hearing is held by the Commission, whichever occurs first. Temporary suspension

6.—(1) The Commission may by by-law appoint a licence inspector, who may, Licence inspector,
appointment,
powers

(a) suspend any licence for such time and subject to such conditions as the by-law may provide if the licensee has been convicted of a criminal offence so long as the suspension is made within thirty days of the conviction even if an appeal has been taken from the conviction;

(b) suspend any licence for such time and subject to such conditions as the by-law may provide if the licence inspector has reason to believe that a safety

R.S.O. 1980,
c. 198

standards certificate under the *Highway Traffic Act* was denied with respect to a motor vehicle used as a taxicab and, without the appropriate repairs having been made, the motor vehicle is being used on any public highway; and

- (c) order a licensee to stop using any motor vehicle used as a taxicab until such time as the licensee provides the licence inspector with a safety standards certificate issued under the *Highway Traffic Act* with respect to the motor vehicle.

Length of
suspension

(2) No suspension of a licence by the licence inspector is effective after the expiration of two weeks from the date of suspension or after the next meeting of the Commission after the suspension, whichever occurs first.

Employees

7. The Commission may appoint such employees as it considers necessary to carry out its functions.

Auditors
R.S.O. 1980,
c. 405

8.—(1) The Commission shall appoint one or more auditors licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Commission annually.

Report

(2) The auditor's report and financial statements shall be forwarded to the council of each participating municipality.

Annual
budget

9.—(1) The Commission shall submit its yearly budget to the council of each participating municipality.

Idem

(2) Any disagreement among the participating municipalities as to the contents of the budget shall be referred to the Ontario Municipal Board which shall determine the matter.

Recovery of
costs of
Commission

10.—(1) The amount necessary to operate the Commission shall be levied and collected by the participating municipalities in like manner and with the same priority as municipal taxes.

Apportion-
ment

(2) The amount mentioned in subsection (1) shall be apportioned among the participating municipalities based on the number of households in each participating municipality.

Refunds to
participating
municipalities

(3) The amount by which the revenues of the Commission exceeds the costs of operating the Commission shall be refunded to the participating municipalities annually in the same proportion as collected under subsection (2).

Conflicts

R.S.O. 1980,
c. 302

11. If a by-law passed under subsection 3 (1) conflicts with the provisions of any Act, other than the *Municipal Act*, for licensing, regulating or controlling any business or the person

carrying on any business, the provision of that Act prevails to the extent of the conflict.

12.—(1) A participating municipality that wishes to withdraw from the Commission shall give notice of at least one year to the other participating municipalities.

Withdrawal
from
Commission

(2) The Commission shall be dissolved if,

Dissolution
of
Commission

(a) the City of Kingston withdraws from the Commission; or

(b) any two of the participating municipalities withdraws from the Commission.

(3) If a participating municipality withdraws from the Commission and the Commission continues to operate, any assets of the participating municipality held by the Commission remain with the Commission.

Assets
remain with
Commission

(4) Upon the dissolution of the Commission, any assets held by it shall be distributed among the participating municipalities in proportion to the amount contributed by each participating municipality.

Distribution
of assets
upon
dissolution

(5) Upon dissolution, a participating municipality may acquire some or all of the assets of the Commission upon payment to the other participating municipalities of their share.

Idem

(6) Any disagreement as to the distribution of assets of the Commission upon dissolution shall be referred to the Ontario Municipal Board which shall determine the matter.

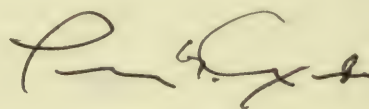
Disagree-
ments to
O.M.B.

13. This Act comes into force on the 1st day of January, 1990.

Commence-
ment

14. The short title of this Act is the *City of Kingston and townships of Kingston, Pittsburgh and Ernestown Act, 1989*.

Short title

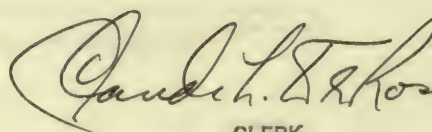


Bill Pr25

*(Chapter Pr30
Statutes of Ontario, 1989)*

An Act respecting the Association of Municipal Tax Collectors of Ontario

Mr. Ballinger



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	May 23rd, 1989
<i>2nd Reading</i>	July 13th, 1989
<i>3rd Reading</i>	July 13th, 1989
<i>Royal Assent</i>	July 13th, 1989

Bill Pr25

1989

An Act respecting the Association of Municipal Tax Collectors of Ontario

Whereas the Association of Municipal Tax Collectors of Ontario hereby represents that it has been in existence as a voluntary unincorporated association since 1967; that it is desirous of becoming incorporated for the purpose of carrying out its objects; that the association considers it desirable to grant to the members the exclusive right to use certain designations set out in section 6; and whereas the association hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“Association” means Association of Municipal Tax Collectors of Ontario incorporated under section 2;

“board” means the board of directors of the Association.

2. The Association of Municipal Tax Collectors of Ontario is hereby constituted a corporation without share capital and shall be composed of its members.

Association
incorporated

3. The objects of the Association are,

Objects

- (a) to bring persons in the municipal field of tax collection into helpful association with each other to promote their professional knowledge and general interests;
- (b) to promote improved standards of ethics and efficiency in tax collection methods and procedures and to consider and recommend amendments to any provincial statutes that may improve methods of tax billing and collection;

- (c) to disseminate information of interest to its members for their consideration by bulletins, conferences and meetings;
- (d) to encourage and assist in the development of educational and training programs in the field of municipal tax collection;
- (e) to co-operate with municipal associations, technical groups and all levels of government and committees for the purpose of improving standards and practices as they relate to tax billing and collection; and
- (f) to foster good public relations.

Board of
directors

4.—(1) The affairs of the Association shall be managed by a board of directors.

Composition
of board

(2) The board shall be made up of not fewer than thirteen and not more than twenty persons elected by and from the membership of the Association, as the board may determine by by-law.

Election of
board

(3) The manner of electing the members of the board, the notification to the electors of the time and place of holding elections, the nominations of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes and other necessary details shall be set out in the by-laws of the Association.

Term

(4) The Association may by by-law establish the term of office of the members of the board, not exceeding two years, and may provide for the election and retirement of the members in rotation.

Quorum

(5) At any meeting of the board, a majority of the members of the board constitutes a quorum.

Appointments

(6) The board may appoint such other persons as are necessary to perform the work of the Association.

Vacancies

(7) The board shall fill any vacancy on the board in such manner as may be provided by the by-laws of the Association.

By-laws

5.—(1) The board may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association and without restricting the generality of the foregoing, the board may pass by-laws,

- (a) establishing classes of membership and the rights and obligations of such class;
- (b) establishing the qualifications for and conditions of registration for members;
- (c) prescribing fees payable to the Association;
- (d) governing the calling, holding and conducting of the meetings of the board, of the members and of the committees of the Association;
- (e) authorizing the spending of funds and making of grants for the promotion of its objects;
- (f) providing for the nomination and the election of officers and directors by mail; and
- (g) providing for the protection and indemnity of directors and officers acting on behalf of the Association.

(2) A by-law passed under subsection (1) and a repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the members duly called for that purpose, is effective only until the next annual meeting of the members unless confirmed thereat. Confirmation of by-laws

(3) A by-law not confirmed under subsection (1) ceases to have effect and no new by-law of the same or like substance is effective until confirmed at a general meeting of the members. Idem

6.—(1) Every member of the Association who has satisfied the criteria for a category of membership as set out in the by-laws may use the designation “Member of Association of Municipal Tax Collectors of Ontario” or “Associate Member of Association of Municipal Tax Collectors of Ontario”, as the case may be. Exclusive designation

(2) Any person in Ontario who, not being a member of the Association, takes or uses a designation referred to in subsection (1) either alone or in combination with any other word, name, initial or description, or implies, suggests or holds out that he or she is a member of the Association is guilty of an offence. Offence

7. This Act does not affect or interfere with the right of any person who is not a member of the Association to practise as a municipal tax collector in the Province of Ontario. Right to practise protected

Surplus

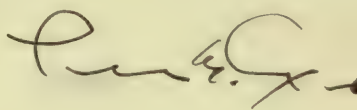
8. Any surplus derived from carrying on the affairs and business of the Association shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.

Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. The short title of this Act is the *Association of Municipal Tax Collectors Act, 1989*.

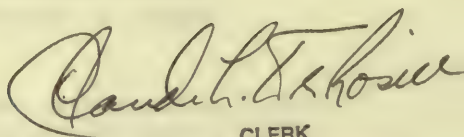


Bill Pr26

*(Chapter Pr31
Statutes of Ontario, 1989)*

An Act to revive Angelato Service Centre Ltd.

Mr. Sterling



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 8th, 1989
<i>2nd Reading</i>	July 13th, 1989
<i>3rd Reading</i>	July 13th, 1989
<i>Royal Assent</i>	July 13th, 1989

Bill Pr26

1989

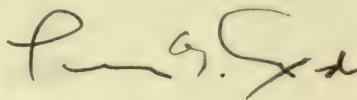
An Act to revive Angelato Service Centre Ltd.

Whereas Angelo Lorelli hereby represents that Angelato Service Centre Ltd., herein called the Corporation, was incorporated by articles of incorporation dated the 15th day of June, 1978; that the Minister of Consumer and Commercial Relations, by order dated the 6th day of September, 1982, and made under the authority of section 242 of the *Business Corporations Act*, being chapter 54 of the Revised Statutes of Ontario, 1980, cancelled the certificate of incorporation of the Corporation for default in complying with the *Corporations Tax Act*, being chapter 97 of the Revised Statutes of Ontario, 1980, and declared it to be dissolved on the 6th day of September, 1982; that the applicant was the holder of the majority of common shares of the Corporation; that default in filing annual returns occurred by reason of inadvertence; that the Corporation at the time of its dissolution owned certain property and was at that time and is now actively carrying on business in the name of the Corporation in the City of Ottawa; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Angelato Service Centre Ltd. is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved. Corporation revived
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. The short title of this Act is the *Angelato Service Centre Ltd. Act, 1989*. Short title

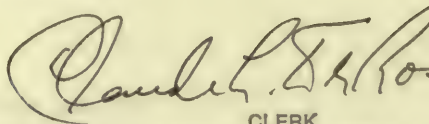


Bill Pr27

*(Chapter Pr32
Statutes of Ontario, 1989)*

An Act to revive Innomed Inc.

Mrs. LeBourdais



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 8th, 1989
<i>2nd Reading</i>	July 13th, 1989
<i>3rd Reading</i>	July 13th, 1989
<i>Royal Assent</i>	July 13th, 1989

Bill Pr27

1989

An Act to revive Innomed Inc.

Whereas Frank Wolf, Patricia Wolf, Frank Peter Wolf and Anni Wolf, hereby represent that Innomed Inc., herein called the Corporation, was incorporated by articles of incorporation on the 11th day of January, 1980; that by order dated the 5th day of May, 1987, and made under the authority of section 239 of the *Business Corporations Act*, 1982, being chapter 4, the certificate of incorporation of the Corporation was cancelled for failure to comply with a request under section 5 of the *Corporations Information Act*, being chapter 96 of the Revised Statutes of Ontario, 1980, and the Corporation was dissolved on the 5th day of May, 1987; that the applicants were the holders of all of the issued shares of the Corporation at the time of its dissolution and the applicant Frank Wolf was the sole director of the Corporation at that time; that the failure to comply with the said Act occurred by reason of inadvertence and that notice of default was not received by any of the applicants and none of the applicants was aware of the default until after dissolution of the Corporation; that the Corporation, at the time of its dissolution, was carrying on active business and active business has continued to be carried on in the name of the Corporation since that time; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Innomed Inc. is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

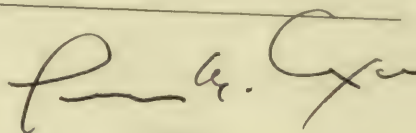
Corporation
revived

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Innomed Inc. Act, 1989*.

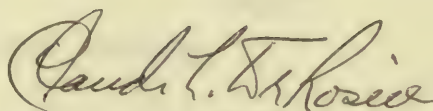


Bill Pr29

*(Chapter Pr35
Statutes of Ontario, 1989)*

An Act to amend the Toronto Baptist Seminary Act, 1982

Mr. Kanter



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	October 11th, 1989
<i>2nd Reading</i>	November 9th, 1989
<i>3rd Reading</i>	November 9th, 1989
<i>Royal Assent</i>	November 15th, 1989

Bill Pr29

1989

**An Act to amend the
Toronto Baptist Seminary Act, 1982**

Whereas The Toronto Baptist Seminary was founded in 1927 in Toronto and incorporated by letters patent dated the 19th day of April, 1929; that the corporation was continued under the *Toronto Baptist Seminary Act, 1982*, being chapter 90; that supplementary letters patent changing its name to The Toronto Baptist Seminary and Bible College were granted on the 11th day of October, 1985; and whereas the applicant hereby applies for special legislation to amend the composition of the Board of Trustees and to award two new degrees; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of the *Toronto Baptist Seminary Act, 1982*, being chapter 90, is repealed and the following substituted therefor:

4.—(1) The Board shall be composed of,

Composition
of Board

- (a) the Pastor of the Jarvis Street Baptist Church by virtue of office;
- (b) seven members elected by the members of the Jarvis Street Baptist Church for a term of two years;
- (c) seven members elected by the Board for a term of two years;
- (d) the principal of the Seminary by virtue of office;
- (e) the president of the Alumni Association by virtue of office;
- (f) the treasurer of the Jarvis Street Baptist Church by virtue of office; and

(g) the managing editor of The Gospel Witness by virtue of office.

Procedure for elections

(2) The Board shall by by-law determine the manner and procedure for the election of the members under clause (1) (c).

Staggered terms

(3) The Board may by by-law provide for the election and retirement of the members to be elected under clauses (1) (b) and (c) in rotation.

Eligibility to vote

(4) No person shall be elected or appointed as a voting member of the Board unless that person is a Canadian citizen or permanent resident of Canada.

Honorary members

(5) The Board may by by-law appoint three honorary Board members who are not Canadian citizens or permanent residents of Canada and who are not entitled to vote.

Re-election and re-appointment

(6) Members of the Board, if otherwise qualified, are eligible for re-election or re-appointment, except that no member of the Board shall serve more than three consecutive terms, but on the expiration of one year after having served the third of three consecutive terms, such person may again be eligible for membership on the Board.

Idem

(7) The limit of three consecutive terms referred to in subsection (6) does not include,

- (a) service on the Board of the Charter Corporation; or
- (b) service on the Board for the balance of an unexpired term for a person who becomes a member of the Board under subsection (8).

Vacancies

(8) Where a vacancy on the Board occurs before the term of office for which such person was elected has expired, the Board, in its sole discretion, shall determine if the vacancy is to be filled and, if so, the manner and procedure for so doing, and the person filling such vacancy shall hold office for the remainder of the term of the person whose membership is vacant.

No remuneration

(9) Members of the Board shall not be remunerated or receive any profit from serving on the Board but may be reimbursed for reasonable expenses incurred by them in the performance of their duties.

Quorum

(10) Unless the by-laws otherwise provide, a majority of the Board constitutes a quorum for the transaction of busi-

ness, but in no case shall a quorum be less than two-fifths of the Board.

(11) The government, management and control of the Seminary and of its property, revenues, expenditures and affairs are vested in the Board and the Board has all powers necessary to perform its duties and achieve the objects of the Seminary including the power, Powers

- (a) to enact by-laws for the conduct of its affairs;
- (b) to establish and terminate programs and courses of study after consideration of the recommendations, if any, of the Senate;
- (c) to appoint, promote, suspend and remove the administrative officers of the Seminary and the members of the administrative staff, after consideration of the recommendations, if any, of the Senate;
- (d) to appoint the Principal of the Seminary who shall be the chief academic officer and to define the duties and responsibilities of the Principal, after consideration of the recommendations, if any, of the Senate;
- (e) to appoint and promote members of the faculty and academic officers, after consideration of the recommendations, if any, of the Senate;
- (f) to grant tenure and leave to and to suspend and remove members of the faculty and the academic officers, after consideration of the recommendations, if any, of the Senate;
- (g) to establish, change and terminate academic units within the Seminary and determine the powers and duties of any such unit, after consideration of the recommendations, if any, of the Senate;
- (h) to appoint committees and delegate thereto power and authority to act for the Board with respect to any matter or class of matters, but where power and authority to act for the Board are delegated to a committee, a majority of the members of the committee shall be members of the Board;
- (i) to establish and collect fees and charges for tuition and for services offered by the Seminary and collect

fees and charges on behalf of any entity, organization or element of the Seminary;

- (j) to expend such sums as the Board considers necessary for the erection, equipment, furnishing and maintenance of residences and dining halls for the use of the students;
- (k) to borrow money for the purposes of the Seminary and give security therefor on such terms and in such amounts as it determines;
- (l) to invest all money that comes into the Seminary that is not required to be expended, for any purpose to which it lawfully may be applied, subject to any express limitations or restrictions on investment powers imposed by the terms of same, in such manner as it considers proper and, except where a trust instrument otherwise directs, to combine trust moneys belonging to various trusts in its care into a common trust fund;
- (m) to acquire by purchase, lease, gift, or devise and to hold any real property and, subject to the *Charities Accounting Act*, to sell, mortgage or dispose of the same or any part thereof as the Board considers advisable;
- (n) to hold, manage, sell or convert any of the property owned by the Seminary and to invest and reinvest any principal in such manner as may be determined;
- (o) to acquire, solicit or receive any gift of property, either as an annual or other contribution or as an addition to the fund or funds of the Seminary;
- (p) to enact by-laws to regulate the admission of members of the faculty who are of Christian character and who are in full accord with and subscribe to the doctrinal statement of the Seminary as set out in the by-laws and who are in agreement with the aims and objectives of the Seminary;
- (q) to appoint a member or members of the Board, or any other person or persons, to execute on behalf of the Board,
 - (i) documents and other instruments in writing generally, or

- (ii) specific documents and other instruments in writing,

and to affix the corporate seal of the Seminary thereto;

- (r) to establish the membership year of the Board;
- (s) to enact by-laws respecting the doctrinal statement of the Seminary.

(12) The borrowing power of the Seminary is limited to borrowing for current operating expenses unless it borrows on the security of real or personal property. Limitation on borrowing

2. Section 8 of the said Act is repealed and the following substituted therefor:

8.—(1) There shall be a Senate of the Seminary composed of, Senate

- (a) the president and the principal who shall be members by virtue of their offices;
- (b) the members of the faculty; and
- (c) three members of the Board, other than the president and the principal, appointed by the Board for a term of two years.

(2) The president shall be the chairperson of the Senate and a vice-chairperson shall be elected by the Senate for a term of two years from among its members in such manner as the Senate may determine. Chairperson and vice-chairperson

(3) The Senate has, subject to the approval of the Board with respect to the expenditure of funds, the power to determine the academic policy of the Seminary and, without limiting the generality of the foregoing, has the power, Powers

- (a) to enact by-laws for the conduct of its affairs;
- (b) to make recommendations to the Board to establish and terminate programs and courses of study;
- (c) to determine the curricula of all programs and courses of study, standards of admission to the Seminary and continued registration therein, and the qualifications for graduation;

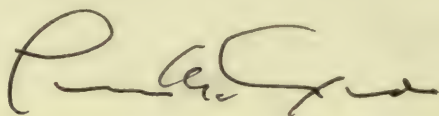
- (d) to conduct examinations, appoint examiners and decide all matters related to examinations and the appointment of examiners;
- (e) to award fellowships, scholarships, bursaries, prizes and other marks of academic achievement;
- (f) to award diplomas, certificates and licentiates and to grant the degrees of Bachelor of Theology, Bachelor of Theological Studies, Bachelor of Religious Education, Master of Divinity, Master of Theology, Master of Theological Studies, Master of Religious Education and honorary Doctor of Divinity; and
- (g) to appoint committees and delegate thereto power and authority to act for them with respect to any matter set out in clauses (b) to (f), but where such power and authority to act are delegated to a committee, a majority of the members of the committee shall be members of the Senate.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Toronto Baptist Seminary and Bible College Act, 1989*.

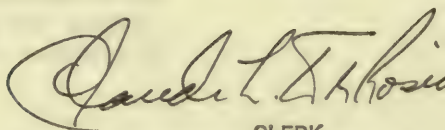


Bill Pr30

*(Chapter Pr33
Statutes of Ontario, 1989)*

An Act respecting Regis College

Mr. Reycraft



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 27th, 1989
<i>2nd Reading</i>	July 13th, 1989
<i>3rd Reading</i>	July 13th, 1989
<i>Royal Assent</i>	July 13th, 1989

Bill Pr30

1989

An Act respecting Regis College

Whereas Regis College hereby applies for special legislation to amend *The Regis College Act, 1978* to acquire an alteration in its degree-granting powers; and whereas it is expedient to grant the application;

Preamble

1978, c. 139

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Regis College Act, 1978*, being chapter 139, is repealed and the following substituted therefor:

7. The Academic Council has, subject to the approval of the Board with respect to the expenditure of funds and subject to subsection 3 (10), the power to determine the academic policy of the College and, without limiting the generality of the foregoing, has the power,

Powers of
Academic
Council

- (a) to enact by-laws for the conduct of its affairs;
- (b) to recommend to the Board the appointment of the President and academic officers and the appointment and promotion of the full-time members of the faculty;
- (c) to make recommendations to the Board with respect to the establishment and termination of programs and courses of study;
- (d) to determine the curricula of all programs and courses of study, the standards of admission to the College and continued registration therein, and the qualifications for graduation;
- (e) to conduct examinations, appoint examiners and decide all matters relating thereto;

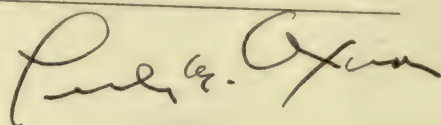
- (f) to award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievements;
- (g) to grant degrees in theology, including honorary degrees;
- (h) to appoint such committees as it may consider advisable and delegate to any such committee any of its powers; and
- (i) to establish the membership year of the Academic Council.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Regis College Act, 1989*.

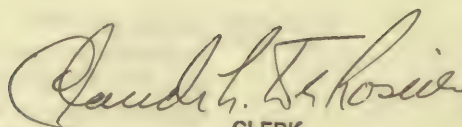


Bill Pr31

*(Chapter Pr36
Statutes of Ontario, 1989)*

An Act respecting the Town of Iroquois Falls

Mr. Pope



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	October 18th, 1989
<i>2nd Reading</i>	November 9th, 1989
<i>3rd Reading</i>	November 9th, 1989
<i>Royal Assent</i>	November 15th, 1989

Bill Pr31

1989

An Act respecting the Town of Iroquois Falls

Whereas The Corporation of the Town of Iroquois Falls has recently embarked on a program of economic development and diversification; and whereas, as a result of reassessment under section 63 of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, a manufacturing and industrial assessment factor has been applied in the municipality that the council of the Town considers to be high when compared to other similar northern municipalities and that the council believes has operated as a deterrent to industrial development or expansion in the Town of Iroquois Falls; and whereas The Corporation of the Town of Iroquois Falls hereby applies for special legislation to provide relief from the effects of the reassessment; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "assessor" means an assessor as defined in clause 1 (c) of the *Assessment Act*.

Definition

R.S.O. 1980,
c. 31

2.—(1) If, on or after the 1st day of July, 1989, the assessment of real property assessed as manufacturing or industrial in the Town of Iroquois Falls increases by at least \$5,000 as a result of the erection, alteration, enlargement or improvement of any building, structure, machinery, equipment or fixture, the assessor shall make such further assessment as may be necessary to reflect the change, but the increase in assessed value shall be at 50 per cent of that which otherwise would apply.

Reduction of
assessment

(2) If, on or after the 1st day of July, 1989, the assessment of real property is changed to manufacturing or industrial from any other class, the assessor shall compute the manufacturing or industrial assessment in the same manner as other manufacturing or industrial assessment has been determined within the Town of Iroquois Falls, but the assessed value of

Idem

such reclassified property shall be at 50 per cent of the computed amount.

Limitation

R.S.O. 1980,
c. 31

(3) This section does not operate so as to deprive the owner of real property from the benefit of any exemption from assessment otherwise available under the *Assessment Act*.

Alteration by
tribunal or
court

3. If any complaint, appeal, proceeding or action pertains to real property assessed totally or partially under section 2, the Assessment Review Board, the Ontario Municipal Board or any court in determining the value at which that real property shall be assessed shall refer to the unrevised assessed value and the assessed value at which similar property in the vicinity is assessed and, if an assessment is to be altered in respect to that real property, the Assessment Review Board, the Ontario Municipal Board or the court, as the case may be, shall make its determination so that the altered assessment is consistent with the 50 per cent reduction described in section 2.

Repeal

4.—(1) This Act is repealed on a day to be named by order of the Minister of Revenue.

Application
of
R.S.O. 1980,
c. 446

(2) The *Regulations Act* applies to an order under subsection (1).

Effect of
repeal

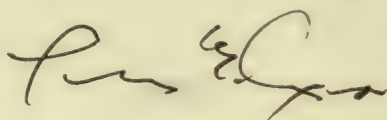
(3) Reductions in assessment given under this Act cease to apply on the day this Act is repealed.

Commence-
ment

5. This Act shall be deemed to have come into force on the 1st day of July, 1989.

Short title

6. The short title of this Act is the *Town of Iroquois Falls Act, 1989*.

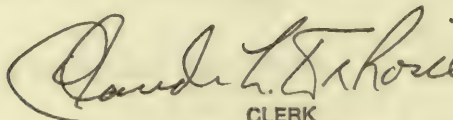


Bill Pr32

(Chapter Pr34
Statutes of Ontario, 1989)

An Act respecting the City of Toronto

Mr. Kanter



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	July 18th, 1989
<i>2nd Reading</i>	July 26th, 1989
<i>3rd Reading</i>	July 26th, 1989
<i>Royal Assent</i>	July 26th, 1989

Bill Pr32

1989

An Act respecting the City of Toronto

Whereas The Corporation of the City of Toronto, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "housing development" means a housing development as defined in *The City of Toronto Act, 1975* (No. 2), being chapter 117.

Definition

2. Subsection 6 (3) of *The City of Toronto Act, 1975* (No. 2), being chapter 117, does not apply to the land or a housing development to be constructed on the land described in the Schedule.

1975, c. 117
not
applicable

3. Section 2 does not affect the application of section 112 of the *Municipal Act* to the land or a housing development to be constructed on the land described in the Schedule.

Application
of
R.S.O. 1980,
c. 302

4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

5. The short title of this Act is the *City of Toronto Act, 1989*.

Short title

SCHEDULE

The parcel of land in the City of Toronto described as follows:

Part of Water Lots 18, 19, 20 and 21,

Part of George Street as stopped up and closed by By-Law 432-77 of
The Corporation of the City of Toronto registered as Instrument No.
CT249709 in the Land Registry Office,

Registry Division of Toronto (No. 63),

Part of the Walks and Gardens and

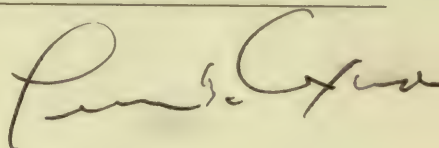
Part of The Bank of Toronto Bay,

All according to Plan 5A registered in the said Land Registry Office,
Designated as Parts 1 and 2 on a Plan of Survey of record in the
Land Registry Office—Land Titles Division at Metropolitan Toronto
(No. 66) as 66R-9891.

Being Parcel 18-6, Section A-5A,

City of Toronto,

Municipality of Metropolitan Toronto.

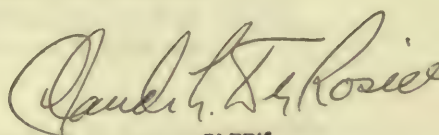


Bill Pr33

*(Chapter Pr37
Statutes of Ontario, 1989)*

An Act respecting Grand Valley Railway Co. Inc.

Mr. McClelland



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	October 11th, 1989
<i>2nd Reading</i>	November 9th, 1989
<i>3rd Reading</i>	November 9th, 1989
<i>Royal Assent</i>	November 15th, 1989

REGIONAL COMMUNITY
CLUB

Bill Pr33

1989

An Act respecting Grand Valley Railway Co. Inc.

Whereas Grand Valley Railway Co. Inc., herein called the Corporation, hereby represents that it was incorporated by letters patent dated the 21st day of March, 1989; that the Corporation is making preparations to operate a carload freight and excursion train between Paris and Glen Morris, both in the Province of Ontario; that there is doubt cast as whether the Corporation could operate a railway without being incorporated by a special Act of the Legislature; and whereas the Corporation hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Although Grand Valley Railway Co. Inc. was incorporated under the *Business Corporations Act, 1982*, it shall, for the purposes of *The Railways Act*, be deemed to be and to always have been incorporated by a special Act.

Deeming provision
1982, c. 4
R.S.O. 1950,
c. 331

2. Despite subsection 2 (2) of the *Business Corporations Act, 1982*, that Act applies to the Corporation in respect of its corporate structure and corporate procedures as if it were not operating a railway.

Corporate structure, procedures

3. *The Railways Act* applies to the Corporation in respect of its operation of a railway.

Operation of railway

4. The Ontario Municipal Board shall not approve an application by the Corporation under section 174 of *The Railways Act* unless the Ministry of Transportation certifies to the Board that the equipment, track and operating procedures of the railway permit the railway to be operated in a safe manner.

Conditions for approval to operate railway

5. The Corporation shall annually provide to the Ontario Municipal Board a certificate from a professional engineer stating that the facilities and operating procedures of the rail-

Annual safety inspection and certificate

way are in accordance with generally accepted railway practices and are sufficient to protect the safety of the public.

Costs

6. The cost of the inspection and certification required under section 4 or 5 shall be borne by the Corporation.

Powers of
O.M.B.
R.S.O. 1950,
c. 331

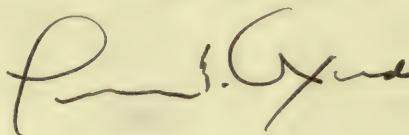
7. Nothing in this Act shall be construed to derogate from the powers of the Ontario Municipal Board under *The Railways Act*.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is the *Grand Valley Railway Co. Inc. Act, 1989*.

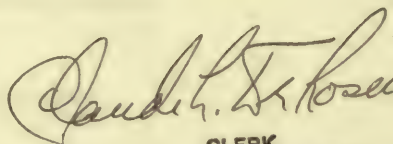


Bill Pr35

*(Chapter Pr38
Statutes of Ontario, 1989)*

An Act respecting the Ontario Home Economics Association

Mr. Nixon
(York Mills)



**CLERK
LEGISLATIVE ASSEMBLY**

<i>1st Reading</i>	July 20th, 1989
<i>2nd Reading</i>	November 9th, 1989
<i>3rd Reading</i>	November 9th, 1989
<i>Royal Assent</i>	November 15th, 1989



Bill Pr35

1989

An Act respecting the Ontario Home Economics Association

Whereas the Ontario Home Economics Association hereby represents that it was incorporated under the laws of Ontario by letters patent dated the 19th day of February, 1985; that the Association is desirous of being continued as a corporation for the purpose of carrying out the objects of the Association and of the government and discipline of its members, and whereas the Association considers it desirable to grant to voting members of the Association the right to use the designation "Professional Home Economist"; and whereas the Association hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

"Association" means the Ontario Home Economics Association;

"board" means the board of directors of the Association.

2.—(1) The Ontario Home Economics Association is hereby continued as a corporation without share capital and the persons registered as members of the Association on the day this Act comes into force and such other persons as hereafter become members of the Association constitute the corporation.

Association
continued

(2) The members of the board and the officers of the Association in office immediately before the coming into force of this Act are continued in office until their successors are appointed or elected in accordance with this Act and the by-laws.

Continuation
of present
board

Letters
patent
revoked

(3) The letters patent of the Association are revoked, but the revocation of the letters patent does not affect the rights or obligations of the Association or any by-law, resolution or appointment of the Association except to the extent that the by-law, resolution or appointment is inconsistent with this Act.

Special Act
corporation

(4) The Association shall be deemed to be a corporation incorporated by a special Act.

Objects

3. The objects of the Association are,

- (a) to promote the well being of the individual and home and community life in Ontario;
- (b) to respond to social issues affecting the well being of the individual and home and community life and to make recommendations to the appropriate agencies and levels of government;
- (c) to disseminate information and knowledge as it relates to food, clothing, shelter and human relationships;
- (d) to encourage research in home economics and related fields and aid in the dissemination and application of the findings;
- (e) to maintain and promote high professional standards among home economists through continuing education and professional development;
- (f) to respond to issues which affect home economists;
- (g) to facilitate communication and co-operation with local, provincial, national and international home economics groups.

Board

4.—(1) The affairs of the Association shall be managed by the board.

Composition
of board

(2) The board shall consist of not fewer than fifteen or more than thirty-five members of the Association, as the board may determine, elected from the membership of the Association.

Idem

(3) The Association may by by-law provide for the appointment to the board of up to three persons who are not members of the Association.

(4) The manner of electing the members of the board, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the board and other necessary details shall be as set out in the by-laws. Election of board

(5) At any meeting of the board, a majority of the members of the board constitutes a quorum. Quorum

(6) The board shall appoint from its number a president, one or more vice-presidents and shall appoint a secretary-treasurer or a secretary and a treasurer, who need not be members of the board. Officers

(7) In the case of the death, resignation or incapacity of any member of the board, the board shall fill the vacancy in such manner as may be provided by the by-laws of the Association for the balance of the term, and for the purposes of this subsection, absence from three consecutive meetings of the board may be treated by the board as incapacity. Vacancies

5.—(1) The board shall appoint a registrar, who need not be a member of the board. Registrar

(2) The registrar shall perform the functions set out in this Act and such other duties as may be assigned by the board. Duties of registrar

6. At any general meeting, members of the Association may be represented and vote by proxy, but, Proxies

(a) no proxy shall be exercised by a person who is not a member of the Association; and

(b) the proxy shall be exercised in accordance with the by-laws on voting and proxies.

7.—(1) The board may pass by-laws necessary to conduct the business and carry out the objects of the Association including, By-laws

(a) prescribing the qualifications for and conditions of membership in and registration by the Association;

(b) prescribing a curriculum and courses of study to be pursued by students and the subjects upon which students and candidates for admission as members of the Association shall be examined, and for grant-

ing certificates to students and candidates who have successfully passed the examinations;

- (c) providing for the continuing education and professional development of its members;
- (d) establishing and prescribing such categories of membership as are necessary for the purposes of the Association and in the public interest;
- (e) regulating and governing the conduct of members of the Association in the practice of their business or profession by prescribing a code of ethics, rules of professional conduct and standards of practice and by providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;
- (f) providing for the receipt and consideration of complaints made to the Association concerning the conduct of its members in the practice of their business or profession, including the establishment of a complaints committee;
- (g) prescribing fees payable to the Association;
- (h) authorizing the making of grants for any purpose that may tend to advance home economics knowledge and education, improve standards of practice in home economics or support and encourage public information and interest in the past and present role of home economics in society;
- (i) providing for the appointment, removal, functions, duties and remuneration of agents, officers and employees of the Association;
- (j) establishing and maintaining a professional liability claims fund for the purpose of paying, subject to the by-laws, professional liability claims against members;
- (k) establishing requirements for categories of memberships or types of projects for which members must secure professional liability insurance, including minimum limits of insured professional liability.

Confirmation
of by-laws

(2) Every by-law or amendment to a by-law is effective when it is passed by the board but expires with the close of

the next annual meeting of the members of the Association held after its passing, unless it is confirmed at that meeting.

(3) The by-laws of the Association shall be open to examination by the public at the head office of the Association during normal office hours.

Inspection of
by-laws

8.—(1) A member entitled to vote at an annual or general meeting of the Association may make a proposal to make, amend or repeal a by-law.

Member's
proposal

(2) The board must receive a member's proposal at the office of the Association at least sixty days before the annual meeting at which it will be considered.

Idem

(3) Upon receiving a proposal from a member to enact, amend or repeal a by-law, the board shall cause the proposal to be published in the agenda for the next annual meeting of the Association.

Consideration
of member's
proposal

(4) The agenda shall be distributed to the membership in accordance with the by-laws, but when there is not sufficient time before the next annual meeting of the Association to distribute the proposal in accordance with the by-laws, the proposal shall be contained in the agenda for the next following annual or general meeting and shall be distributed to the membership in accordance with the by-laws.

Distribution
of proposal

9.—(1) Not less than ten members entitled to vote at an annual or general meeting of the Association may request that the board call and hold a general meeting to make, amend or repeal a by-law and consider any other business.

General
meeting

(2) A request under subsection (1) shall be in writing and set out the objects and reasons for the requested meeting.

Written
request

(3) Upon receipt of a request for a general meeting under subsection (1), the board shall call and convene the meeting in accordance with the by-laws.

Procedures

10.—(1) The Association shall grant a membership in the Association to any individual who applies therefor in accordance with the by-laws, if the individual,

Membership

(a) is of good character;

(b) is not less than eighteen years of age;

- (c) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership; and
- (d) has passed such examinations as the board may set or approve in accordance with the by-laws.

Hearing

(2) The by-laws shall provide that an application for membership may be refused or a disciplinary sanction may be imposed only after a hearing.

Register

11.—(1) The registrar shall keep a register in which shall be entered the names of all members of the Association in good standing and only those persons so registered are members entitled to the privileges of membership in the Association.

Inspection of register

(2) The register shall be open to examination by the public at the head office of the Association during normal office hours.

Appeals

12.—(1) An individual who is qualified for membership in the Association who has been refused membership or a person who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court, in accordance with the rules of court, from the refusal to grant membership or from the sanction.

Certified copy of record

(2) If a person appeals to the Divisional Court, the registrar shall promptly file in the Divisional Court a record of the proceeding that resulted in a refusal to grant membership or the imposition of a sanction which, together with any transcript of evidence, constitutes the record in the appeal.

Powers of court

(3) An appeal under this section may be made on questions of law or fact, or both, and the court may rescind any decision, may exercise all powers of any committee and may direct the Association to take any action that the Association is empowered to take as the court considers proper and, for such purposes, the court may substitute its opinion for that of any committee or of the Association or the court may refer the matter for rehearing in whole or in part.

Designation

13.—(1) Every member of the Association, holding full voting privileges, may use the designation "Professional Home Economist" and may use after his or her name the initials "P.H.Ec." indicating that he or she is a professional home economist.

(2) Any person in Ontario who, not being a registered member of the Association, takes or uses the designation "Professional Home Economist" or "P.H.Ec." alone or in combination with any other word, name, title, initial or description, or implies or holds out that he or she is a registered member of the Association is guilty of an offence. Offence

(3) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the registrar, is sufficient evidence of all persons who are registered in lieu of the production of the original register. Evidence

(4) A certificate purporting to be signed by the registrar is proof, in the absence of evidence to the contrary, that such a person is the registrar without proof of the signature or of that person being in fact the registrar. Idem

(5) The absence of the name of any person from a copy of the register is proof, in the absence of evidence to the contrary, that the person is not registered. Idem

14.—(1) The board shall cause the removal of the name of a member from the register, Removal
from register

- (a) at the request or with the written consent of the member whose name is to be removed;
- (b) where the name has been incorrectly entered;
- (c) where notification is received of a member's death;
or
- (d) where the registration of a member has been suspended or revoked through disciplinary proceedings.

(2) Subject to subsection (3), the board, on such grounds as it considers sufficient, may cause the name of a person removed from the register to be restored, without fee or upon payment to the Association of, Restoration
to register

- (a) a sum not exceeding the fees or other sums in arrears and owing by the person to the Association; and
- (b) such additional sum as may be prescribed by the by-laws.

(3) If the name of a person who has been suspended or whose registration has been suspended or revoked under Idem

clause (1) (d) is to be restored to the register, the board may, by resolution, direct that the name be restored subject to such conditions as the board may impose.

Certificate of
membership

15.—(1) The board shall cause a certificate of membership to be issued each year to every person whose name is entered in the register.

Idem

(2) The certificate shall state the date upon which it expires, the type of membership and every condition imposed on the person to whom the certificate is issued.

Right to
practise
unaffected

16. This Act does not affect or interfere with the right of any person who is not a member of the Association to practise as a home economist in the Province of Ontario.

Surplus

17. Any surplus derived from carrying on the affairs and business of the Association shall be applied solely in carrying out its objects and shall not be divided among its members.

Commence-
ment

18. This Act comes into force on the day it receives Royal Assent.

Short title

19. The short title of this Act is the *Ontario Home Economics Association Act, 1989*.

Bill Pr36

(Chapter Pr2
Statutes of Ontario, 1990)

An Act to revive The P & P Murray Foundation

Ms Poole



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	March 29th, 1990
<i>2nd Reading</i>	April 17th, 1990
<i>3rd Reading</i>	April 17th, 1990
<i>Royal Assent</i>	April 19th, 1990

Bill Pr36

1990

An Act to revive The P & P Murray Foundation

Whereas Paul Lloyd Murray and Patricia Ann Murray hereby represent that The P & P Murray Foundation, herein called the Foundation, was incorporated on the 15th day of April, 1985; that the Minister of Consumer and Commercial Relations by order dated the 27th day of January, 1987 and made under the authority of subsection 317 (9) of the *Corporations Act* cancelled the letters patent of the Foundation for default in complying with section 5 of the *Corporations Information Act* and declared that the Foundation be dissolved on the 27th day of January, 1987; that the applicants wish to revive the Foundation in order to carry on its charitable purposes; and whereas the applicants hereby apply for special legislation to revive the Foundation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1980,
cc. 95, 96

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The P & P Murray Foundation is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

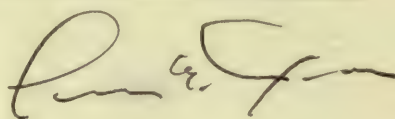
Foundation
revived

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *P & P Murray Foundation Act, 1990*.

Short title

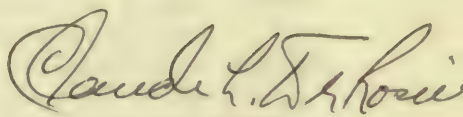


Bill Pr37

(Chapter Pr44
Statutes of Ontario, 1989)

An Act respecting Fort Erie Lions Senior Citizens Complex Inc.

Mr. Haggerty



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	November 29th, 1989
<i>2nd Reading</i>	December 14th, 1989
<i>3rd Reading</i>	December 14th, 1989
<i>Royal Assent</i>	December 14th, 1989

Bill Pr37

1989

**An Act respecting
Fort Erie Lions Senior Citizens Complex Inc.**

Whereas Fort Erie Lions Senior Citizens Complex Inc., herein called the Corporation, hereby represents that it was incorporated by letters patent dated the 5th day of September, 1986; that the object of the Corporation is the preparation, planning, construction, maintenance and continuance of a recreation centre for the senior citizens of the community; that the Corporation is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that it is desirable that provision be made for exempting the real property of the Corporation situate in the Town of Fort Erie from taxation for municipal and school purposes, other than local improvement rates; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the Town of Fort Erie may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, occupied by the Corporation, being the land and premises described in the Schedule, so long as the land is owned, occupied and used solely for the purposes of the Corporation as a community recreation centre for senior citizens.

Tax
exemptionR.S.O. 1980,
c. 31

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Conditions

(3) For the purposes of subsection 128 (10) of the *Regional Municipality of Niagara Act*, the exemption from taxation granted under subsection (1) shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Deemed
exemption
R.S.O. 1980,
cc. 438, 31

Retroactive
by-law

2. A by-law passed under section 1 may be retroactive to the 1st day of January, 1989.

Commence-
ment

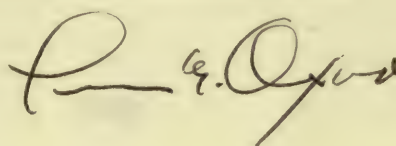
3. This Act comes into force on the day it receives Royal Assent.

Short title

4. The short title of this Act is the *Fort Erie Lions Senior Citizens Complex Inc. Act, 1989*.

SCHEDULE

Land situate in the Town of Fort Erie, in The Regional Municipality of Niagara, and being composed of part of Lot 2, Concession 1, Niagara River, (former Township of Bertie), and part of lots 1 and 12 according to Registered Plan No. 21 for the former Village of Fort Erie, now known as Plan 515 and designated as Part 2, on Reference Plan 59R-5627, deposited in the Land Registry Office for the Registry Division of Niagara South (No. 59), which land is located on the east side of High Street, in the Town of Fort Erie, and known municipally as 256 High Street.



Bill Pr38

*(Chapter Pr39
Statutes of Ontario, 1989)*

An Act to dissolve the Board of Trustees of the Ottawa Charitable Foundation

Mr. Chiarelli



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	October 31st, 1989
<i>2nd Reading</i>	November 9th, 1989
<i>3rd Reading</i>	November 9th, 1989
<i>Royal Assent</i>	November 15th, 1989

Bill Pr38

1989

An Act to dissolve the Board of Trustees of the Ottawa Charitable Foundation

Whereas the Board of Trustees of the Ottawa Charitable Foundation, herein called the Foundation, was incorporated by *The Ottawa Charitable Foundation Act, 1925*, being chapter 131; that by reason of changes in the social programs provided by various levels of government and the establishment of The Community Foundation of Ottawa-Carleton in 1986, the trustees of the Foundation and The Corporation of the City of Ottawa consider it desirable to dissolve the Foundation and transfer all its present and future assets to The Community Foundation of Ottawa-Carleton; and whereas the trustees hereby apply for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Board of Trustees of the Ottawa Charitable Foundation is hereby dissolved.

Dissolution

2.—(1) All real and personal property belonging to or held in trust for or for the use of the Foundation is hereby vested in The Community Foundation of Ottawa-Carleton.

Transfer of assets

(2) All liabilities of the Foundation hereby become liabilities of The Community Foundation of Ottawa-Carleton.

Transfer of liabilities

3. Any gift, devise or bequest heretofore or hereafter made to or intended to be made to the Foundation vests in The Community Foundation of Ottawa-Carleton.

Gifts, etc.

4. A reference to the Foundation in any instrument shall be deemed to be a reference to The Community Foundation of Ottawa-Carleton.

Deeming provision

5. The following are repealed:

Repeals

1. *The Ottawa Charitable Foundation Act, 1925*, being chapter 131.
2. *The Ottawa Charitable Foundation Act, 1978*, being chapter 135.
3. Section 4 of *The City of Ottawa Act, 1980*, being chapter 118.
4. Section 1 of the *City of Ottawa Act, 1983*, being chapter Pr1.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

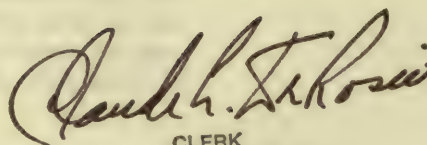
7. The short title of this Act is the *City of Ottawa Act, 1989*.

Bill Pr40

(Chapter Pr3
Statutes of Ontario, 1990)

An Act to revive The Immanuel Christian School Society of East Toronto

Mr. Curling



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	March 29th, 1990
<i>2nd Reading</i>	April 17th, 1990
<i>3rd Reading</i>	April 17th, 1990
<i>Royal Assent</i>	April 19th, 1990

Bill Pr40

1990

**An Act to revive
The Immanuel Christian School Society
of East Toronto**

Whereas George Van Dyk, Gerrie Schnitzler and Elsie Mooy hereby represent that The Immanuel Christian School Society of East Toronto, herein called the Corporation, was incorporated by letters patent dated the 28th day of April, 1964; that the Minister of Consumer and Commercial Relations by order dated the 27th day of January, 1987 and made under the authority of subsection 317 (9) of the *Corporations Act* cancelled the letters patent of the Corporation for default in complying with section 5 of the *Corporations Information Act* and declared the Corporation to be dissolved on the 27th day of January, 1987; that notice of default was apparently sent to the Corporation at its address as shown in the files of the Ministry of Consumer and Commercial Relations; that all the applicants are directors of the ongoing organization carried on in the name of the Corporation; that none of the applicants were aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of its dissolution was operating as a charitable organization and since that time the charitable functions of the Corporation have continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1980,
cc. 95, 96

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Immanuel Christian School Society of East Toronto is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as of the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Corporation
revived

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

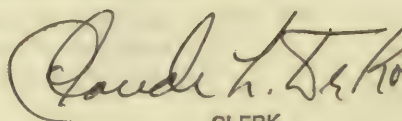
3. The short title of this Act is the *Immanuel Christian School Society of East Toronto Act, 1990*.

Bill Pr41

*(Chapter Pr19
Statutes of Ontario, 1990)*

An Act respecting Ottawa Arts Centre Foundation

Mr. Grandmaître



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	May 9th, 1990
<i>2nd Reading</i>	June 19th, 1990
<i>3rd Reading</i>	June 19th, 1990
<i>Royal Assent</i>	June 21st, 1990

Bill Pr41

1990

An Act respecting Ottawa Arts Centre Foundation

Whereas Ottawa Arts Centre Foundation, herein called the Foundation, hereby represents that it was incorporated by letters patent dated the 3rd day of May, 1984; that the Foundation is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that the object of the Foundation is to operate a centre for the benefit of visual, literary and performing arts groups and to promote cultural awareness and public support for the arts within the Ottawa region; that it is desirable that provision be made for exempting the real property occupied by the Foundation situate in the City of Ottawa from taxation for municipal and school purposes, except for local improvement rates; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of Ottawa may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land as defined in the *Assessment Act*, occupied by the Foundation, being the lands and premises described in the Schedule, so long as the land is occupied and used solely for activities related to the objects of the Foundation.

Tax
exemption

R.S.O. 1980,
c. 31

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Conditions

(3) No exemption shall be granted under subsection (1) in respect of land that is used for a commercial purpose even if that commercial purpose has a cultural or recreational aspect to it.

Limitation

2. For the purposes of subsection 121 (10) of the *Regional Municipality of Ottawa-Carleton Act*, the exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Deemed
exemption
R.S.O. 1980,
c. 439

Retroactive
by-law

3. A by-law passed under section 1 may be retroactive to the 1st day of September, 1988.

Reimburse-
ment of
taxes paid

4.—(1) The council of The Corporation of the City of Ottawa and the council of The Regional Municipality of Ottawa-Carleton may by by-law reimburse the Foundation for taxes, or any portion thereof, paid in respect of the lands referred to in section 1 for the period commencing on the 1st day of September, 1988 and ending on the day that a by-law passed under section 1 comes into force.

Idem, school
taxes

(2) The Board of Education for the City of Ottawa may, by resolution, reimburse the Foundation for school taxes, or any portion thereof, paid in respect of the lands referred to in section 1 for the period commencing on the 1st day of September, 1988 and ending on the day that a by-law passed under section 1 comes into force.

Commence-
ment

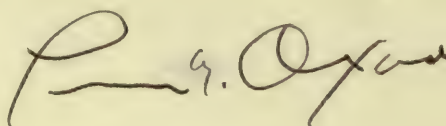
5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Ottawa Arts Centre Foundation Act, 1990*.

SCHEDULE

The land situate in the City of Ottawa in The Regional Municipality of Ottawa-Carleton being composed of part of Lot C, Concession C, R.F. Nepean, more particularly described as part 1 on reference plan 5R-11727 filed in the Land Registry Office for the Registry Division of Ottawa-Carleton (No.5).

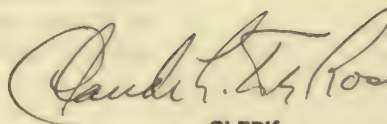


Bill Pr42

*(Chapter Pr40
Statutes of Ontario, 1989)*

An Act respecting the City of Guelph

Mr. Ferraro



**CLERK
LEGISLATIVE ASSEMBLY**

<i>1st Reading</i>	October 12th, 1989
<i>2nd Reading</i>	November 9th, 1989
<i>3rd Reading</i>	November 9th, 1989
<i>Royal Assent</i>	November 15th, 1989

Bill Pr42

1989

An Act respecting the City of Guelph

Whereas The Corporation of the City of Guelph hereby represents that the composition of its council was established by *The City of Guelph Act, 1929*, being chapter 102; that it is desirable that the Ontario Municipal Board be empowered to vary the composition of council and the method of electing the members to council; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The City of Guelph Act, 1929*, being chapter 102, is repealed and the following substituted therefor:

2.—(1) The council of the City of Guelph shall be composed of a mayor and eleven members.

Composition
of council

(2) Despite subsection (1), upon the application of The Corporation of the City of Guelph or by petition of the electors under section 13 of the *Municipal Act*, the Ontario Municipal Board may by order divide or re-divide the City of Guelph into wards, vary the composition of the council or vary the method by which members of council, other than the mayor, are elected, or any of them.

O.M.B.
orderR.S.O. 1980,
c. 302

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *City of Guelph Act, 1989*.

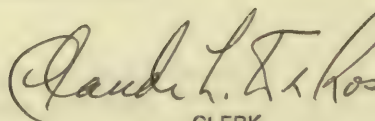
Short title

Bill Pr43

(Chapter Pr13
Statutes of Ontario, 1990)

An Act respecting the City of Brampton

Mr. Callahan



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	April 30th, 1990
<i>2nd Reading</i>	May 31st, 1990
<i>3rd Reading</i>	May 31st, 1990
<i>Royal Assent</i>	May 31st, 1990

Bill Pr43

1990

An Act respecting the City of Brampton

Whereas The Corporation of the City of Brampton, herein called the Corporation, hereby applies for special legislation to enable the City to pass by-laws respecting the cutting and removal of grass and weeds on private property; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** The council of the Corporation may pass by-laws, By-laws
respecting
grass and
weed cutting
 - (a) requiring the owners or occupants of private property in the municipality or in any defined area thereof to cut the grass and weeds on their land and to remove the cuttings whenever the growth of grass or weeds exceeds twenty centimetres in height or such greater height as the by-law may provide; and
 - (b) despite clause (a), providing for the cutting of grass and weeds and for the removal thereof at the expense of the municipality on private property owned or occupied by any class or classes of persons.

2.—(1) No step shall be taken to enforce a by-law under section 1 until the owner or occupant of the land has been given a written notice requiring compliance with the by-law within the time specified in the notice but no sooner than seven-two hours after the giving of the notice. Written
notice

(2) The notice may be given by personal service upon the person to whom it is directed or by sending it by certified mail to such person. Service

(3) A notice sent by certified mail shall be sent to the last known address of the person to whom it is directed and it shall be deemed to have been given on the day it is delivered to that address. Idem

Limitation

3. Nothing in this section affects any right or duty of the Corporation with respect to any highway right of way.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

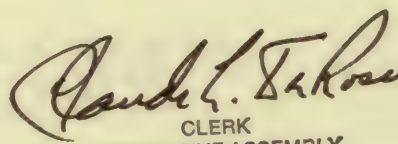
5. The short title of this Act is the *City of Brampton Act, 1990*.

Bill Pr44

(Chapter Pr4
Statutes of Ontario, 1990)

An Act respecting The Royal Canadian Legion

Mrs. Sullivan



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	March 21st, 1990
<i>2nd Reading</i>	April 17th, 1990
<i>3rd Reading</i>	April 17th, 1990
<i>Royal Assent</i>	April 19th, 1990

Bill Pr44

1990

An Act respecting The Royal Canadian Legion

Whereas The Royal Canadian Legion, herein called the Legion, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Despite any other general or special Act, no branch of the Legion may mortgage, lease or convey real property unless,

Restrictions
on disposal
of real
property

- (a) it is authorized by resolution passed by a two-thirds majority vote of the members of the branch in good standing who are present and vote at a special or general meeting of the branch; and
- (b) the consent in writing of the Ontario Provincial Command or the Manitoba and Northwestern Ontario Provincial Command, as applicable, is first obtained.

(2) Notice of the meeting under clause (1) (a) shall be given to members in good standing by mailing it to the last known address of the member at least ten days before the meeting.

Notice of
meeting

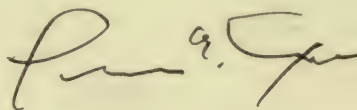
2.—(1) If the charter of the Provincial Command of the Legion is revoked or suspended, the Dominion Command of the Legion may register in the proper registry or land titles office a certificate, signed by the president and secretary under the seal of the Dominion Command, stating that the charter of the Provincial Command has been revoked or suspended.

Certificate

(2) Upon the registration of the certificate under subsection (1), the real property held in the name of the Provincial Command vests in the Dominion Command.

Vesting of
real property

- Reference (3) A certificate registered under subsection (1) shall contain a reference to this Act.
- Repeal **3. *The Royal Canadian Legion Act, 1975, being chapter 24, is repealed.***
- Commencement **4. This Act comes into force on the day it receives Royal Assent.**
- Short title **5. The short title of this Act is the *Royal Canadian Legion Act, 1990.***

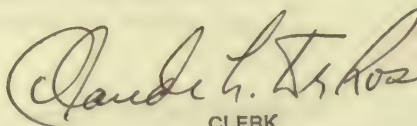


Bill Pr45

(Chapter Pr45
Statutes of Ontario, 1989)

An Act respecting Ontario Midwestern Railway Company Limited

Mr. Lipsett



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	December 4th, 1989
<i>2nd Reading</i>	December 14th, 1989
<i>3rd Reading</i>	December 14th, 1989
<i>Royal Assent</i>	December 14th, 1989

Bill Pr45

1989

**An Act respecting
Ontario Midwestern Railway Company Limited**

Whereas Ontario Midwestern Railway Company Limited, herein called the Corporation, hereby represents that it was incorporated under the *Business Corporations Act, 1982*, being chapter 4, by certificate of incorporation dated the 3rd day of October, 1989; that the Corporation is making preparations to operate rail services in southwestern Ontario; that the Corporation cannot operate a railway without being incorporated by a special Act of the Legislature; and whereas the Corporation hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Ontario Midwestern Railway Company Limited shall, for the purposes of *The Railways Act*, be deemed to be incorporated by a special Act. Deeming provision
R.S.O. 1950,
c. 331
2. Despite subsection 2 (2) of the *Business Corporations Act, 1982*, that Act applies to the Corporation as if it were a corporation under that Act. Application of
1982, c. 4
3. *The Railways Act*, except section 47, applies to the Corporation in respect of its operation of a railway. Operation of
railway
4. The Ontario Municipal Board shall not approve an application by the Corporation under section 174 of *The Railways Act* unless the Ministry of Transportation certifies to the Board that the equipment, track and operating procedures of the railway permit the railway to be operated in a safe manner. Conditions
for approval
to operate
railway
5. The Corporation shall annually provide to the Ontario Municipal Board a certificate from a professional engineer stating that the facilities and operating procedures of the rail- Annual
safety
inspection
and
certificate

way are in accordance with generally accepted railway practices and are sufficient to protect the safety of the public.

Costs

6. The cost of the inspection and certification required under section 4 or 5 shall be borne by the Corporation.

Powers of
O.M.B.
R.S.O. 1950,
c. 331

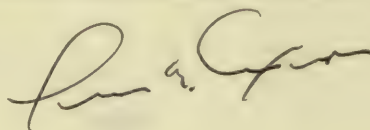
7. Nothing in this Act shall be construed to derogate from the powers of the Ontario Municipal Board under *The Railways Act*.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is the *Ontario Midwestern Railway Company Limited Act, 1989*.

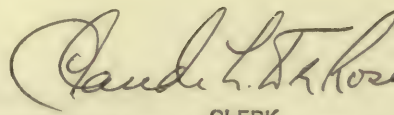


Bill Pr46

*(Chapter Pr46
Statutes of Ontario, 1989)*

An Act to revive Ontario Mortgage Brokers Association

Mr. Ray
(Windsor-Walkerville)



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	December 5th, 1989
<i>2nd Reading</i>	December 14th, 1989
<i>3rd Reading</i>	December 14th, 1989
<i>Royal Assent</i>	December 14th, 1989

Bill Pr46

1989

**An Act to revive
Ontario Mortgage Brokers Association**

Whereas Frances Blau, Gerald Grupp, Barry Lebow, Don R. MacLean, Paul Ezrin and Wayne Dobson hereby represent that Ontario Mortgage Brokers Association, herein called the Corporation, was incorporated by letters patent dated the 18th day of August, 1960; that the Minister of Consumer and Commercial Relations by Order dated the 8th day of September, 1982, and made under the authority of subsection 317 (9) of the *Corporations Act*, being chapter 95 of the Revised Statutes of Ontario, 1980, cancelled the letters patent of the Corporation for default in complying with section 5 of the *Corporations Information Act*, being chapter 96 of the Revised Statutes of Ontario, 1980, and declared the Corporation to be dissolved on the 8th day of September, 1982; that the applicants were directors of the on-going organization carried on in the name of the Corporation; that notice of default, although sent to the Corporation, was not received by any of the directors and none of them was aware of the dissolution of the Corporation until more than two years after the date thereof; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Ontario Mortgage Brokers Association is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Corporation
revived

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title


3. The short title of this Act is the *Ontario Mortgage Brokers Association Act, 1989*.

Bill Pr47

(Chapter Pr5
Statutes of Ontario, 1990)

An Act respecting Lake of the Woods District Hospital

Mr. Miclash


CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	October 31st, 1989
<i>2nd Reading</i>	April 17th, 1990
<i>3rd Reading</i>	April 17th, 1990
<i>Royal Assent</i>	April 19th, 1990

Bill Pr47

1989

An Act respecting Lake of the Woods District Hospital

Whereas The Board of Directors of the Lake of the Woods District Hospital hereby represents that it is desirable to amend *The Lake of the Woods District Hospital Act, 1968*, being chapter 156, to provide for a decrease in the number of elected directors on the Board from twelve to eleven and the number of appointed directors from seven to four; and whereas the Board hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Lake of the Woods District Hospital Act, 1968*, being chapter 156, as amended by the Statutes of Ontario, 1974, chapter 147, section 1, is repealed and the following substituted therefor:

2.—(1) There shall be a Board to be known as “The Board of Directors of Lake of the Woods District Hospital”, which shall manage and administer Lake of the Woods District Hospital.

Board of
Directors

(2) The Board shall consist of,

Composition

- (a) the chief executive officer of Lake of the Woods District Hospital;
- (b) one member of the auxiliary to the Lake of the Woods District Hospital appointed annually by the president of the auxiliary;
- (c) two Indian persons, within the meaning of the *Indian Act* (Canada), appointed annually by the Grand Council of Treaty Three;

R.S.C. 1985,
c. 1-5

(d) eleven directors elected in accordance with section 3; and

R.S.O. 1980,
c. 410

(e) such other persons as are provided for under the *Public Hospitals Act*.

2. Section 3 of the said Act is repealed and the following substituted therefor:

Elected
directors

3.—(1) Of the eleven directors to be elected,

(a) six shall be elected by the electors of the Town of Kenora;

(b) two shall be elected by the electors of the Town of Keewatin;

(c) two shall be elected by the electors of the Town of Jaffray-Melick; and

(d) one shall be elected by the electors of the Township of Sioux Narrows.

Voters

(2) Every person entitled to vote at municipal elections is entitled to vote at the election of directors in each municipality.

Elections

(3) The directors in each municipality shall be elected by ballot and the nominations and elections shall be held at the same time and places and conducted in the same manner as regular municipal elections.

Ballots

(4) A separate set of ballot papers shall be prepared by the clerk of each municipality containing the names of the candidates for membership on the Board.

3. Section 4 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 147, section 2, is repealed.

4. Section 5 of the said Act is repealed and the following substituted therefor:

Vacancies

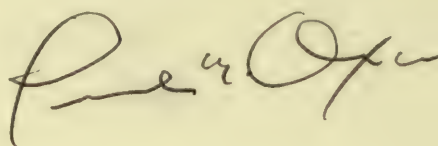
5. A vacancy in the office of a director shall be filled in accordance with the by-laws.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Lake of the Woods District Hospital Act, 1990*.

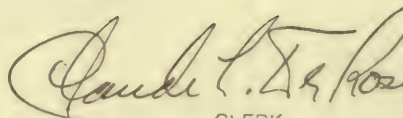


Bill Pr48

*(Chapter Pr41
Statutes of Ontario, 1989)*

An Act to revive East York - Scarborough Reading Association Inc.

Mr. Polsinelli



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	October 16th, 1989
<i>2nd Reading</i>	November 9th, 1989
<i>3rd Reading</i>	November 9th, 1989
<i>Royal Assent</i>	November 15th, 1989

Bill Pr48

1989

**An Act to revive
East York - Scarborough Reading Association Inc.**

Whereas Mary J. Boyd and Michael Francone hereby represent that East York - Scarborough Reading Association Inc., herein called the Corporation, was incorporated on the 21st day of April, 1983; that the Minister of Consumer and Commercial Relations by Order dated the 27th day of January, 1987 and made under the authority of subsection 317 (9) of the *Corporations Act*, being chapter 95 of the Revised Statutes of Ontario, 1980, cancelled the certificate of incorporation of the Corporation for default in complying with section 5 of the *Corporations Information Act*, being chapter 96 of the Revised Statutes of Ontario, and declared the Corporation to be dissolved on the 27th day of January, 1987; that the applicants are directors of the on-going organization carried on in the name of the Corporation; that notice of default was not received by any of the directors of the Corporation and none of them was aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of the dissolution was carrying on its activities and since that time has continued to carry on its activities in the name of the Corporation; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The East York - Scarborough Reading Association Inc. is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Corporation
revived

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

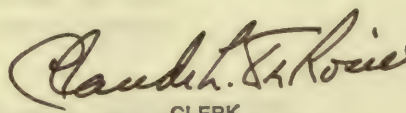
3. The short title of this Act is the *East York - Scarborough Reading Association Inc. Act, 1989*.

Bill Pr49

(Chapter Pr6
Statutes of Ontario, 1990)

An Act to revive 393598 Ontario Limited

Mrs. O'Neill
(Ottawa-Rideau)



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	December 11th, 1989
<i>2nd Reading</i>	April 17th, 1990
<i>3rd Reading</i>	April 17th, 1990
<i>Royal Assent</i>	April 19th, 1990

Bill Pr49

1989

An Act to revive 393598 Ontario Limited

Whereas Serge Pelchat and Lise Pelchat hereby represent that 393598 Ontario Limited, herein called the Corporation, was incorporated by certificate of incorporation dated the 22nd day of August, 1978; that the Minister of Consumer and Commercial Relations by order dated the 14th day of June, 1988 and made under the authority of section 239 of the *Business Corporations Act, 1982*, being chapter 4, cancelled the certificate of incorporation of the Corporation for default in complying with section 5 of the *Corporations Information Act*, being chapter 96 of the Revised Statutes of Ontario, 1980 and declared the Corporation to be dissolved on the 14th day of June, 1988; that the applicants were the holders of the common shares of the Corporation at the time of its dissolution and that there are no other shareholders; that notice of default in filing annual returns, although sent to Serge Pelchat as director, was not received by him; that the Corporation at the time of its dissolution was carrying on active business and active business has continued to be carried on in the name of the Corporation since that time; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. 393598 Ontario Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

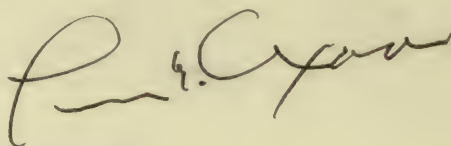
Corporation
revived

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is *393598 Ontario Limited Act, 1990*.

Short title

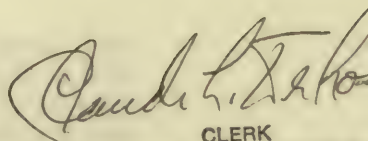


Bill Pr50

(Chapter Pr42
Statutes of Ontario, 1989)

An Act respecting the City of Etobicoke

Mr. Henderson



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	October 31st, 1989
<i>2nd Reading</i>	November 9th, 1989
<i>3rd Reading</i>	November 9th, 1989
<i>Royal Assent</i>	November 15th, 1989

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REPORT

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Bill Pr50

1989

An Act respecting the City of Etobicoke

Whereas The Corporation of the City of Etobicoke, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act, “highway” means a highway as defined in the *Highway Traffic Act*.

Definition
R.S.O. 1980,
c. 198

(2) The council of the Corporation may pass by-laws,

By-laws
respecting
garbage
removal,
grass and
weed cutting

(a) requiring the owners of buildings containing more than one dwelling unit and the owners or occupants of buildings or parts thereof used or intended for use for commercial or industrial purposes to clear away and remove garbage or other debris from the highways abutting their land except the portions thereof used for motor vehicle traffic or from which pedestrians are excluded by law;

(b) requiring the owners or occupants of private property in the municipality or in any defined area thereof to cut the grass and weeds on their land and to remove the cuttings whenever the growth of grass or weeds exceeds 20 centimetres in height or such greater height as the by-law may provide;

(c) despite clause (b), providing for the cutting of grass and weeds and for the removal thereof at the expense of the municipality on private property owned or occupied by any class of persons.

(3) No step shall be taken to enforce a by-law passed under subsection (2) until the owner or occupant of the land has been given a written notice requiring compliance with the by-

Written
notice

law within the time specified in the notice, but no sooner than seventy-two hours after the giving of the notice.

Service of
notice

(4) A notice under subsection (3) may be given by personal service upon the person to whom it is directed or by sending it by registered mail to that person.

Idem

(5) A notice sent by registered mail shall be sent to the last known address of the person to whom it is directed and it shall be deemed to have been given on the day it is delivered to that address.

Limitations

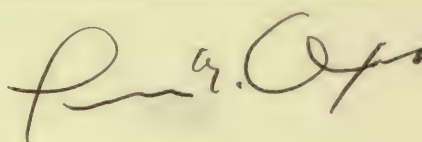
(6) Nothing in this section affects a right or duty of the Corporation with respect to any highway right of way.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *City of Etobicoke Act, 1989*.

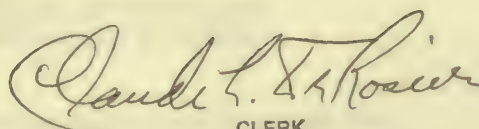


Bill Pr51

(Chapter Pr43
Statutes of Ontario, 1989)

An Act to revive Astcam Co. Limited

Mr. Sterling



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	October 16th, 1989
<i>2nd Reading</i>	November 9th, 1989
<i>3rd Reading</i>	November 9th, 1989
<i>Royal Assent</i>	November 15th, 1989



Bill Pr51

1989

An Act to revive Astcam Co. Limited

Whereas Antonio Astore hereby represents that Astcam Co. Limited, herein called the Corporation, was incorporated by articles of incorporation dated the 22nd day of September, 1972; that the Minister of Consumer and Commercial Relations, by order dated the 2nd day of November, 1981 and made under the authority of section 242 of the *Business Corporations Act*, being chapter 54 of the Revised Statutes of Ontario, 1980, cancelled the certificate of incorporation of the Corporation for default in complying with the *Corporations Tax Act*, being chapter 97 of the Revised Statutes of Ontario, 1980, and declared it to be dissolved on the 2nd day of November, 1981; that the applicant was the holder of the majority of common shares of the Corporation; that default in filing annual returns occurred by reason of inadvertence; that the Corporation at the time of its dissolution owned certain property and was at that time and is now actively carrying on business in the name of the dissolved Corporation in the City of Nepean; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Astcam Co. Limited is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Corporation
revived

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Astcam Co. Limited Act, 1989*.

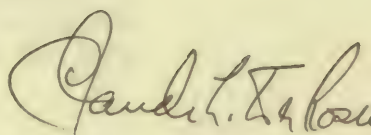
Short title

Bill Pr52

(Chapter Pr47
Statutes of Ontario, 1989)

An Act to revive Homes Unlimited (London) Inc.

Mrs. Smith



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	November 29th, 1989
<i>2nd Reading</i>	December 14th, 1989
<i>3rd Reading</i>	December 14th, 1989
<i>Royal Assent</i>	December 14th, 1989

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Bill Pr52

1989

**An Act to revive
Homes Unlimited (London) Inc.**

Whereas Sheila Davenport, Marina Lundrigan and Connie Cunningham hereby represent that Homes Unlimited (London) Inc., herein called the Corporation, was incorporated by letters patent dated the 22nd day of April, 1974; that the Minister of Consumer and Commercial Relations by order dated the 17th day of July, 1979, and made under the authority of subsection 347 (9) of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in complying with section 5 of *The Corporations Information Act, 1976*, being chapter 66, and declared the Corporation to be dissolved on the 17th day of July, 1979; that the applicants are directors of the ongoing organization carried on in the name of the Corporation; that the default occurred by reason of inadvertence; that none of the applicants were aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of the dissolution was carrying on the housing functions authorized by its letters patent and since that time these functions have continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Homes Unlimited (London) Inc. is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

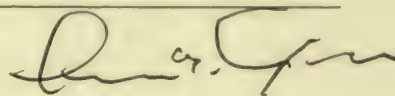
Corporation
revived

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Homes Unlimited (London) Inc. Act, 1989*.



Bill Pr54

*(Chapter Pr48
Statutes of Ontario, 1989)*

An Act respecting The Brantford and Southern Railway Company Inc.

Mr. Neumann



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	December 4th, 1989
<i>2nd Reading</i>	December 14th, 1989
<i>3rd Reading</i>	December 14th, 1989
<i>Royal Assent</i>	December 14th, 1989

Bill Pr54

1989

**An Act respecting
The Brantford and Southern Railway Company Inc.**

Whereas The Brantford and Southern Railway Company Inc., herein called the Corporation, hereby represents that it was incorporated under the *Business Corporations Act, 1982*, being chapter 4, on the 3rd day of October, 1989; that the Corporation is making preparations to operate a train between Brantford and Waterford, both in the Province of Ontario; that the Corporation cannot operate a railway without being incorporated by a special Act of the Legislature; and whereas the Corporation hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Brantford and Southern Railway Company Inc. shall, for the purposes of *The Railways Act*, be deemed to be incorporated by a special Act. Deeming provision
R.S.O. 1950,
c. 331
2. Despite subsection 2 (2) of the *Business Corporations Act, 1982*, that Act applies to the Corporation as if it were a corporation under that Act. Application of
1982, c. 4
3. *The Railways Act* applies to the Corporation in respect of its operation of a railway. Operation of
railway
4. The Ontario Municipal Board shall not approve an application by the Corporation under section 174 of *The Railways Act* unless the Ministry of Transportation certifies to the Board that the equipment, track and operating procedures of the railway permit the railway to be operated in a safe manner. Conditions
for approval
to operate
railway
5. The Corporation shall annually provide to the Ontario Municipal Board a certificate from a professional engineer stating that the facilities and operating procedures of the rail- Annual
safety
inspection
and
certificate

way are in accordance with generally accepted railway practices and are sufficient to protect the safety of the public.

Costs

6. The cost of the inspection and certification required under section 4 or 5 shall be borne by the Corporation.

Powers of
O.M.B.
R.S.O. 1950,
c. 331

7. Nothing in this Act shall be construed to derogate from the powers of the Ontario Municipal Board under *The Railways Act*.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

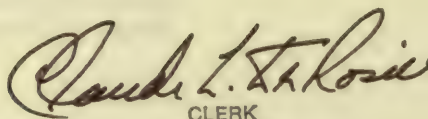
9. The short title of this Act is the *Brantford and Southern Railway Company Inc. Act, 1989*.

Bill Pr55

*(Chapter Pr7
Statutes of Ontario, 1990)*

An Act to revive Association of Stoney Lake Cottagers Inc.

Mr. Adams



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	March 20th, 1990
<i>2nd Reading</i>	April 17th, 1990
<i>3rd Reading</i>	April 17th, 1990
<i>Royal Assent</i>	April 19th, 1990

Bill Pr55

1990

**An Act to revive
Association of Stoney Lake Cottagers Inc.**

Whereas Donald Winter and Douglas C. McTavish hereby represent that Association of Stoney Lake Cottagers Inc., herein called the Corporation, was incorporated by letters patent dated the 16th day of March, 1950; that the Minister of Consumer and Commercial Relations by Order dated the 27th day of January, 1987 and made under the authority of section 317 of the *Corporations Act*, being chapter 95 of the Revised Statutes of Ontario, 1980, cancelled the letters patent of the Corporation for default in complying with section 5 of the *Corporations Information Act*, being chapter 96 of the Revised Statutes of Ontario, 1980, and declared the Corporation to be dissolved on the 27th day of January, 1987; that the applicants were directors of the Corporation; that notice of default in filing annual returns was apparently sent to the Corporation; that the default occurred by reason of inadvertence; that none of the applicants was aware of the dissolution until more than two years after the date thereof; that the Corporation at the time of dissolution was carrying on the functions authorized by its letters patent and since that time these functions have continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Association of Stoney Lake Cottagers Inc. is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts and disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

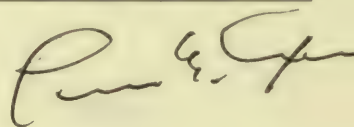
Corporation
revived

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Association of Stoney Lake Cottagers Inc. Act, 1990*.

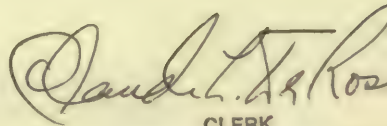


Bill Pr56

*(Chapter Pr49
Statutes of Ontario, 1989)*

An Act to revive Times Change Women's Employment Service Inc.

Ms Poole



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	December 7th, 1989
<i>2nd Reading</i>	December 14th, 1989
<i>3rd Reading</i>	December 14th, 1989
<i>Royal Assent</i>	December 14th, 1989

Bill Pr56

1989

**An Act to revive
Times Change Women's Employment Service Inc.**

Whereas Sandra Kinsman hereby represents that Times Change Women's Employment Service Inc., herein called the Corporation, was incorporated by letters patent dated the 3rd day of September, 1975; that the Minister of Consumer and Commercial Relations by order made under the authority of subsection 317 (9) of the *Corporations Act*, being chapter 95 of the Revised Statutes of Ontario, 1980, cancelled the letters patent of the Corporation for failure to comply with the *Corporations Information Act*, being chapter 96 of the Revised Statutes of Ontario, 1980 and declared the Corporation to be dissolved on the 27th day of January, 1987; that the applicant is a director of the ongoing organization carried on in the name of the Corporation; that the default occurred by reason of inadvertence; that the Corporation at the time of its dissolution was carrying on the functions authorized by its letters patent and since that time these functions have continued to be carried on in the name of the Corporation; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Times Change Women's Employment Service Inc. is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner and to the same extent as if it had not been dissolved. Revival

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

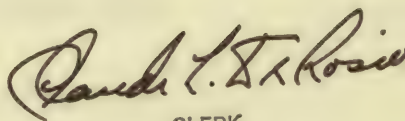
3. The short title of this Act is the *Times Change Women's Employment Service Inc. Act, 1989*.

Bill Pr57

(Chapter Pr8
Statutes of Ontario, 1990)

An Act respecting the City of North Bay

Mr. Harris



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	March 20th, 1990
<i>2nd Reading</i>	April 17th, 1990
<i>3rd Reading</i>	April 17th, 1990
<i>Royal Assent</i>	April 19th, 1990

Bill Pr57

1990

An Act respecting the City of North Bay

Whereas The Corporation of the City of North Bay hereby represents that it is desirable that the composition of The North Bay Hospital Commission be altered and that provision be made for the appointment of an executive committee of the commission; and whereas The Corporation of the City of North Bay hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The City of North Bay Act, 1931*, being chapter 112, as re-enacted by the Statutes of Ontario, 1971, chapter 119, section 1, is repealed and the following substituted therefor:

3.—(1) The operation and management of the hospital and its assets are vested in a commission to be known as “The North Bay Hospital Commission” composed as follows:

Hospital
commission

1. Six members appointed by the council of the corporation, none of whom shall be a member of the council or a physician.
2. Two members from and appointed by the council of the corporation.
3. The president and vice-president of the medical staff of the hospital and the chief of staff of the hospital.
4. One member appointed by and from the hospital auxiliary.

(2) Members appointed under paragraph 1 of subsection (1) shall hold office for three years but the council may provide for rotating memberships so that one-third of the members retire each year.

Term

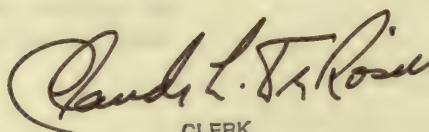
- Idem (3) Members appointed under paragraphs 2 and 4 of sub-section (1) shall hold office for one year.
- Limitation (4) Members shall hold office until their successors are appointed and are eligible for re-appointment for a maximum of twelve consecutive years.
- Vacancies (5) Vacancies shall be filled by the body that made the original appointment.
- Executive committee (6) The commission may appoint an executive committee consisting of the chair and vice-chair of the commission, the chair of the finance committee of the commission and at least two other members of the commission and may delegate to the executive committee the powers necessary to deal with matters which require attention before the next regular meeting of the commission and during the months of July and August.
- Annual report (7) The commission shall submit annually to the council of the corporation a report of the financial and other affairs of the commission.
- Commencement **2. This Act comes into force on the day it receives Royal Assent.**
- Short title **3. The short title of this Act is the *City of North Bay Act, 1990*.**

Bill Pr58

(Chapter Pr9
Statutes of Ontario, 1990)

An Act to revive Gursikh Sabha Canada

Mr. Curling



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	March 21st, 1990
<i>2nd Reading</i>	April 17th, 1990
<i>3rd Reading</i>	April 17th, 1990
<i>Royal Assent</i>	April 19th, 1990

Bill Pr58

1990

An Act to revive Gursikh Sabha Canada

Whereas Ajmer Singh Brar and Bhupinder Singh hereby represent that Gursikh Sabha Canada, herein called the Corporation, was incorporated by letters patent dated the 15th day of June, 1979; that the Minister of Consumer and Commercial Relations by notice of dissolution dated the 27th day of January, 1987 and made under the authority of subsection 317 (9) of the *Corporations Act*, being chapter 95 of the Revised Statutes of Ontario, 1980, cancelled the letters patent of the Corporation for default in complying with section 5 of the *Corporations Information Act*, being chapter 96 of the Revised Statutes of Ontario, 1980, and declared the Corporation to be dissolved on the 27th day of January, 1987; that the applicants are directors of the on-going organization carried on in the name of the Corporation; that notice of default was apparently sent to the Corporation at its address as shown in the files of the Ministry of Consumer and Commercial Relations; that the default occurred by reason of inadvertence; that none of the applicants was aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of its dissolution was carrying on its activities and since that time has continued to carry on its activities in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Gursikh Sabha Canada is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Corporation
revived

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

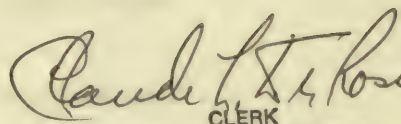
3. The short title of this Act is the *Gursikh Sabha Canada Act, 1990*.

Bill Pr59

(Chapter Pr25
Statutes of Ontario, 1990)

An Act respecting Sioux Lookout District Health Centre

Mr. Miclash


CLÉRK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 20th, 1990
<i>2nd Reading</i>	June 28th, 1990
<i>3rd Reading</i>	June 28th, 1990
<i>Royal Assent</i>	June 28th, 1990

Bill Pr59

1990

An Act respecting Sioux Lookout District Health Centre

Whereas The Sioux Lookout General Hospital Board and the council of The Corporation of the Town of Sioux Lookout hereby represent that it is desirable to establish a hospital corporation and to transfer the ownership and management of the Sioux Lookout General Hospital to the hospital corporation; and whereas the Board hereby applies for special legislation for the purpose; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“board” means board of governors of the hospital corporation;

“hospital corporation” means Sioux Lookout District Health Centre;

“municipality” means The Corporation of the Town of Sioux Lookout.

2.—(1) Sioux Lookout District Health Centre is established as a corporation without share capital.

Incorporation

(2) The objects of the hospital corporation are to operate, maintain and manage a public hospital in the Town of Sioux Lookout.

Objects

3.—(1) The affairs of the hospital corporation shall be managed by a board of governors.

Management
by board

(2) The board shall be composed of,

Composition
of board

- (a) six persons each elected for a three-year term from among the members of the hospital corporation;
- (b) one representative of the Town of Sioux Lookout, to be appointed annually by the council of the municipality;
- (c) one representative of the Indian bands located within the geographic area served by the hospital, to be appointed annually by the band councils;
- (d) one member of the auxiliary to the hospital corporation, to be appointed annually by the auxiliary; and
- (e) such other persons as are provided for under the *Public Hospitals Act*.

R.S.O. 1980,
c. 410

Vacancies

(3) A vacancy in the membership of the board shall be filled in accordance with the by-laws of the hospital corporation.

Attendance

(4) A board member who is absent from four successive regular board meetings without obtaining the prior consent of the board ceases to be a member.

Transition

(5) The term of office of the persons described in clause (2) (a) who are first appointed when this Act comes into force may be less than three years in the discretion of the members of the hospital corporation.

Transition

(6) The Board of Governors of The Sioux Lookout General Hospital Corporation continue to hold office as members of the board until members are appointed or elected under this section.

Powers of
board

4. The board has the power to carry out the objects of the hospital corporation and do all things necessary in connection with those objects.

Transfer,
personal
property

5.—(1) All personal property owned by the municipality on the day this Act comes into force and used in the operation of the Sioux Lookout General Hospital is transferred to the hospital corporation.

Idem, real
property

(2) All real property owned by the municipality on the day this Act comes into force for the purposes of the Sioux Lookout General Hospital is transferred to the hospital corporation.

(3) All trusts and gifts made to or intended for the Sioux Lookout General Hospital shall be held by the hospital corporation and administered by the board. Idem, trusts, etc.

(4) All liabilities of the municipality arising from the operation of the Sioux Lookout General Hospital become, on the day this Act comes into force, the liabilities of the hospital corporation. Idem, liabilities

6. *The Sioux Lookout General Hospital Act, 1947, being chapter 141, is repealed.* Repeal

7. This Act comes into force on the day it receives Royal Assent. Commencement

8. The short title of this Act is the *Sioux Lookout District Health Centre Act, 1990.* Short title

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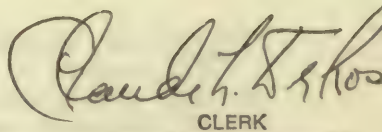
(1)

Bill Pr60

(Chapter Pr20
Statutes of Ontario, 1990)

An Act respecting the City of Ottawa

Mr. Chiarelli



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	May 28th, 1990
<i>2nd Reading</i>	June 19th, 1990
<i>3rd Reading</i>	June 19th, 1990
<i>Royal Assent</i>	June 21st, 1990

Bill Pr60

1990

An Act respecting the City of Ottawa

Whereas the Board of Trustees of The City of Ottawa Superannuation Fund, herein called the Board, and The Corporation of the City of Ottawa, herein called the Corporation, hereby represent that The City of Ottawa Superannuation Fund was established under paragraph 10 of section 406 of *The Municipal Act* by By-law Number 7200 passed by the council of the Corporation and was incorporated by *The City of Ottawa Superannuation Fund Act, 1939*; that the Board in considering pension plan improvements based on actuarial surpluses secured a costing of basing pensions on the average of the highest three consecutive years remuneration rather than the present five years; and whereas the Board and the Corporation are desirous of obtaining the authority to implement the three year averaging period for remuneration if sufficient actuarial surpluses arise in the future; and whereas the Board and the Corporation hereby apply for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1927,
c. 233
1939, c. 66

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Despite subsection 117 (3) of the *Municipal Act*, the Corporation and The Regional Municipality of Ottawa-Carleton are not prohibited from making any contribution to The City of Ottawa Superannuation Fund if the Board of Trustees of The City of Ottawa Superannuation Fund amends the by-laws of the Fund to provide for pension benefits using in the benefit formula the three consecutive years during which the employee's average annual earnings were highest rather than the sixty consecutive months during which the employee's earnings were highest referred to in that subsection.

Three year
averaging
period

R.S.O. 1980,
c. 302

(2) Subsection (1) does not apply unless the board of trustees of The City of Ottawa Superannuation Fund has submitted to the Ministry of Municipal Affairs an actuarial report showing that there is a sufficient actuarial surplus in the Fund

Restriction

and that the contribution rates are sufficient to provide pension benefits using the benefit formula in subsection (1).

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

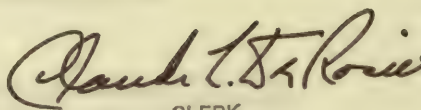
3. The short title of this Act is the *City of Ottawa Act, 1990*.

Bill Pr61

*(Chapter Pr10
Statutes of Ontario, 1990)*

An Act to incorporate The City of Chatham Foundation

Mr. Bossy



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	March 21st, 1990
<i>2nd Reading</i>	April 17th, 1990
<i>3rd Reading</i>	April 17th, 1990
<i>Royal Assent</i>	April 19th, 1990

Bill Pr61

1990

An Act to incorporate The City of Chatham Foundation

Whereas the council of The Corporation of the City of Chatham hereby represents that it is desirable and in the public interest to create a body corporate to receive, maintain, manage, control and use donations for charitable purposes within Ontario; and whereas the applicant has applied for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“board” means the board of directors of the Foundation;

“charitable purposes” includes educational and cultural purposes for public benefit;

“Foundation” means The City of Chatham Foundation created under subsection 2 (1).

2.—(1) There is hereby constituted a corporation without share capital under the name of “The City of Chatham Foundation” consisting of the members of its board.

Foundation
incorporated

(2) The head office of the Foundation shall be in the City of Chatham.

Head Office

(3) The board shall be composed of seven members appointed by the nominating committee established under section 3.

Composition
of board

(4) Despite subsection (3), the first board shall consist of all of the members of the council of The Corporation of the City of Chatham, who shall serve for a period of three months

Interim
board

after the day this Act comes into force and who are eligible for reappointment.

Term

(5) The term of office shall be three years except that in respect of the initial appointments by the nominating committee, three of the members shall serve for one year, two of the members shall serve for two years and two of the members shall serve for three years.

Remuneration

(6) Members of the board shall serve without remuneration and, subject to subsection (7), are eligible for reappointment.

Reappointment

(7) No member of the board is eligible for reappointment to a third term until one year has elapsed after the member ceases to hold office.

Vacancies

(8) A vacancy arising in the membership of the board shall be filled by the nominating committee and any person so appointed shall hold office for the unexpired portion of the term of office.

**Composition
of
nominating
committee**

3.—(1) The nominating committee shall consist of the persons holding the following offices:

1. The Mayor of the City of Chatham, or any other member of the council of the City nominated by the Mayor in writing.
2. The Senior Judge of the District Court of the County of Kent.
3. The principal of St. Clair College, Thames Campus.
4. The President of the Chatham & District Chamber of Commerce.
5. The President of the Kent Law Association.

**Temporary
substitute
member**

(2) If a person holding any of the offices referred to in subsection (1) is unable or unwilling to act as a member of the nominating committee, the other members of the nominating committee shall appoint another person to act during the period in which the original member is unable or unwilling to act.

Meetings

(3) The nominating committee shall meet at least once each year upon the call of the secretary of the board, if any, or upon the call of the chair of the nominating committee whenever it is necessary to fill a vacancy in the board.

(4) The nominating committee may make such rules governing its procedure, including the appointment of a chair, as it considers advisable. Rules

(5) A quorum of the nominating committee for any meeting is three members and a majority vote of all the members of the committee is required for the appointment of a member of the board. Quorum

(6) If the nominating committee fails to appoint a person to fill a vacancy in the membership of the board within ninety days after the vacancy occurs, the remaining members of the board may fill the vacancy. Failure of committee to fill vacancy

4.—(1) The board may pass by-laws, By-laws of board

(a) respecting its procedure including fixing the quorum of the board; and

(b) administering the affairs of the Foundation including the appointment, remuneration and removal of officers and employees of the Foundation.

(2) By-laws of the board are not effective until the approval of a majority of the members of the board is given in person at a meeting of the board or in writing. Approval

5. The objects of the Foundation are to receive, control and use donations for charitable purposes within Ontario. Objects

6. The Foundation may, Powers of Foundation

(a) receive and use donations of property whether by gift, testamentary disposition, deed or trust;

(b) unless otherwise provided by a donor, convert any property held by or on behalf of the Foundation into any other form and for that purpose to sell or otherwise dispose of it;

(c) enter into agreements with trust companies for the custody and management of property held by the Foundation in the manner the board considers advisable;

(d) direct any trust company to manage as a single fund any donation held by the trust company for the Foundation under any testamentary document or deed of trust or otherwise;

- (e) apply the net income from all funds held directly or indirectly by it towards such charitable purposes within Ontario as the board considers advisable;
- (f) distribute such portions as the board considers advisable of the capital of the funds held directly or indirectly by it, towards such charitable purposes within Ontario as the board considers advisable, but,
 - (i) unless otherwise specifically provided by the donor of any sum, not more than a total of 10 per cent of the balance of the capital of the sum may be distributed during any financial year, and
 - (ii) no distribution of capital may be made without the approval of two-thirds of the members of the board;
- (g) direct the investment of all its funds in investments authorized for the investment of funds of life insurance companies in Canada, but the board may authorize and direct the retention of any specific assets donated or bequeathed to the Foundation by a testamentary document, deed of trust or otherwise for such length of time as the board in its sole discretion considers advisable even if it does not consist of assets in which the Foundation is authorized to invest by this Act;
- (h) charge the operating expenses of the Foundation including employees compensation to the income or capital, or both, of the funds of the Foundation as the board considers advisable;
- (i) determine in respect of all funds of the Foundation what shall be treated as income and what shall be treated as capital and to charge or apportion any losses or expenses to capital or income as it considers advisable;
- (j) subject to the *Charitable Gifts Act*, carry on a related business, or a business donated to the Foundation in which the net profits from the business are used solely for the purposes of the Foundation;
- (k) subject to the *Accumulations Act*, accumulate net income with the intention of distributing the accumulation for the purposes of the Foundation;

R.S.O. 1980,
c. 63

R.S.O. 1980,
c. 5

- (l) set up a special fund for the relief of persons or families who suffer from death, injury, calamitous deprivation of the necessities of life, health or education as a result of disasters, fires, floods or accidents of major proportions within Ontario, and solicit and disburse funds for such relief and for the expenses of advertising and operating the fund, and for these purposes, the restrictions on the distribution of capital set out in clause (f) do not apply and any surplus in a special fund may be transferred to the general capital funds of the Foundation;

(m) refuse to accept any bequest, devise and donation;

- (n) subject to the *Charitable Gifts Act*, retain any real or personal property in the form in which it may be when received by the Foundation for such length of time as the board considers advisable.

R.S.O. 1980,
c. 63

7.—(1) Despite any other provision of this Act, the Foundation may establish a common trust fund, in which property received by the Foundation under bequests, devises and donations is combined for the purpose of facilitating investments.

Common
trust fund

(2) Subject to subsection (3), all donations made to the Foundation may be maintained in the common trust fund and may be treated as capital and the net income therefrom devoted for charitable purposes as provided in this Act.

Treatment of
donations

(3) If requested in writing by a donor, the Foundation shall maintain as a separate fund,

Idem

(a) donations of an amount greater than that specified in the by-laws of the Foundation; and

(b) donations that include the types of property specified in the by-laws of the Foundation.

8.—(1) The Foundation may accept donations with the condition that the income or capital, or both, shall be applied to a specific charitable purpose, either for a specific or an indefinite period of time.

Donation for
specific
purpose

(2) If the board is satisfied at any time that a condition referred to in subsection (1) is such as to render it impossible, inefficient or unwise to expend all or any part of a donation or the net income derived from it for a specific charitable purpose, the board may apply to the Supreme Court for direction to use the income or capital, or both, for other purposes of the Foundation.

Proviso

Management
of funds

(3) Despite any other provision of this Act, the Foundation may receive, invest and manage endowment and capital funds previously held by or anticipated to be received for the account of another Canadian charitable, educational or cultural organization, in accordance with the arrangement between the Foundation and the organization, and the Foundation may, upon request, return to the organization all or any part of such organization's assets held by the Foundation.

Form of
words

9. Any form of words is sufficient to constitute a donation for the purposes of this Act if the donor indicates an intention to contribute to the Foundation.

Nature of
donations

10. The Foundation may accept a donation even if some portion of the benefit of the donation is directed to be applied to charitable purposes outside Ontario, if that portion of the benefit of the funds is directed to be applied to charitable purposes within Canada.

Acknowledg-
ments

11. Unless otherwise directed by testamentary document or deed of trust or otherwise, all donations of \$100 or more shall be publicly acknowledged in the financial year following that in which they are made by being set out in the annual audited report.

Audit

R.S.O. 1980,
c. 405

12.—(1) The Foundation shall cause an audit to be made at least once in every fiscal year of the books and records of the Foundation by an accountant licensed under the *Public Accountancy Act*.

Idem

(2) The audit shall include an examination of all assets held by the Foundation or a trust company or other trustee on its behalf, and, even if such funds are held by a trustee pursuant to a testamentary document or deed of trust, the trustee shall give an accounting thereof to the auditor of the Foundation each year.

Publication
of statement

(3) The Foundation shall publish in the newspaper published in the City of Chatham, and reputed to have the largest circulation therein, a certified statement by the auditor setting out the revenue and expenses, balance sheet and capital account and grants paid or held in trust for the Foundation.

Contents of
statement

(4) The statement shall show separately funds held in the common trust fund and funds held in separate accounts.

Idem

(5) The statement shall set out in detail the purposes for which the income has been used and expenses incurred.

(6) The board and any trust company or other trustee holding funds in trust for the Foundation shall give full information and permit all necessary inspection to enable such audit to be made.

Information
and
inspection

13. No power conferred on the Foundation by this Act shall be exercised in respect of any donation in contravention of any express provision in the will, deed or other document of trust governing such donation, unless so directed by a judge of the Supreme Court.

Limitation on
powers

14.—(1) Upon the dissolution of the Foundation and after payment of all its debts and liabilities, the remaining property of the Foundation shall be transferred to The Corporation of the City of Chatham.

Dissolution

(2) If The Corporation of the City of Chatham receives any property under subsection (1), it shall use the property, subject to any trust affecting the property, only for the same objects and purposes as the Foundation could have used the property and the property shall be kept separate and apart from all other property of the Corporation.

Idem

(3) If The Corporation of the City of Chatham receives any property under subsection (1), it may, despite any trust affecting the property, transfer the property, or any part thereof, to one or more institutions in Ontario having charitable purposes.

Idem

15. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

16. The short title of this Act is the *City of Chatham Foundation Act, 1990*.

Short title

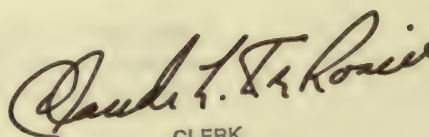


Bill Pr62

(Chapter Pr11
Statutes of Ontario, 1990)

An Act respecting the City of Toronto

Mr. Kanter



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	March 29th, 1990
<i>2nd Reading</i>	April 17th, 1990
<i>3rd Reading</i>	April 17th, 1990
<i>Royal Assent</i>	April 19th, 1990

Bill Pr62

1990

An Act respecting the City of Toronto

Whereas The Corporation of the City of Toronto, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation may by by-law,

By-laws
respecting
permit
parking

- (a) allow the parking of motor vehicles, or any class or classes thereof, on designated public highways or parts of highways during specified hours pursuant to permits issued to the owners of the vehicles by an official named in the by-law;
- (b) charge fees for the parking permits;
- (c) provide for cancelling the permits and refunding the unexpired portion of the fee;
- (d) prohibit the parking of motor vehicles on the designated public highways or parts of highways during the specified hours unless a permit has been issued under the by-law; and
- (e) allow each person to whom a permit has been issued under the by-law to park the motor vehicle in respect of which the permit has been issued on public highways or parts thereof designated under the by-law without using any automatic or other mechanical meter or device erected thereon.

2.—(1) Before passing a by-law under this Act, notice of the intention of the Corporation to pass the by-law and notice of a poll shall be sent by prepaid mail to all persons rated on the last assessment roll returned to the City Clerk as amended by decisions of the Assessment Review Board and by written

Notice

information received by the City Clerk with respect to land abutting on the parts of the highway to be designated, at the addresses shown for such persons in the roll.

Determina-
tion by
City Clerk

(2) The City Clerk shall determine whether the information referred to in subsection (1) is appropriate for the purpose and the determination thereof by the City Clerk and of the persons entitled to notice shall be evidenced by a certificate of the City Clerk.

Effect of
certificate

(3) The certificate is final and conclusive of the information set out in it.

Information
contained in
assessment
roll

(4) Nothing in subsection (1) authorizes the City Clerk to act on the basis of information not contained in the assessment roll unless it is reasonable for the City Clerk to assume that such information is correct and the information shown on the assessment roll is incorrect, incomplete or out of date.

Majority vote
required

3.—(1) If the majority of poll notices received by the City Clerk within one month following the latest date of mailing of the poll notices is in favour of the proposed by-law, the Corporation may pass the by-law.

Saving

(2) If the council of the Corporation has been prevented from passing the proposed by-law because a majority of poll notices received under subsection (1) opposed the passing of the proposed by-law, the council may again proceed under this Act in respect of the highways or parts thereof proposed to be designated by by-law at any time after the expiry of two years following the one-month period referred to in subsection (1).

Reserve fund

4. The net revenue derived from the operation of the permit parking shall be paid into a reserve fund and applied as set out in clause (f) of paragraph 55 of section 208 of the *Municipal Act*.

R.S.O. 1980,
c. 302

Enforcement

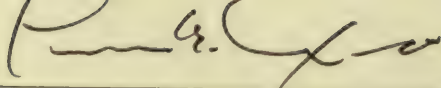
5. A by-law under this Act may provide a procedure for the voluntary payment of penalties in cases where it is alleged that the parking provisions of the by-law have been contravened and the owner of the motor vehicle shall incur the penalties provided for any violation unless, at the time of the violation, the motor vehicle was in the possession of some person, other than the owner or his or her chauffeur, without the owner's consent.

Repeal

6. Section 4 of the *City of Toronto Act, 1988*, being chapter Pr29, is repealed.

7. This Act comes into force on the day it receives Royal Assent. Commence-
ment

8. The short title of this Act is the *City of Toronto Act*, Short title
1990.



Bill Pr63

*(Chapter Pr14
Statutes of Ontario, 1990)*

An Act respecting The Victoria County Railway Company Limited

Mr. Eakins



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	April 17th, 1990
<i>2nd Reading</i>	May 31st, 1990
<i>3rd Reading</i>	May 31st, 1990
<i>Royal Assent</i>	May 31st, 1990

Bill Pr63

1990

An Act respecting The Victoria County Railway Company Limited

Whereas The Victoria County Railway Company Limited, herein called the Corporation, hereby represents that it was incorporated under the *Business Corporations Act* by a certificate of incorporation dated the 13th day of May, 1981; that it is making plans to operate a railway service between Lindsay and other points within Ontario; that it cannot operate a railway without being incorporated by a special Act of the Legislature; and whereas the Corporation hereby applies for special legislation for that purpose; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1980,
c. 54

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Victoria County Railway Company Limited shall, for the purposes of *The Railways Act*, be deemed to be incorporated by a special Act.

Deeming
provision
R.S.O. 1950,
c. 331

2. Despite subsection 2 (2) of the *Business Corporations Act*, 1982, that Act applies to the Corporation as if it were a corporation under that Act.

Application
of
1982, c. 4

3. *The Railways Act* applies to the Corporation in respect of its operation of a railway.

Operation of
railway

4. The Ontario Municipal Board shall not approve an application by the Corporation under section 174 of *The Railways Act* unless the Ministry of Transportation certifies to the Board that the equipment, track and operating procedures of the railway permit the railway to be operated in a safe manner.

Conditions
for approval
to operate a
railway

5. The Corporation shall provide annually to the Ontario Municipal Board a certificate from a professional engineer stating that the equipment, track and operating procedures of

Annual
safety
inspection
and
certificate

the railway are in accordance with generally accepted railway practices and are sufficient to protect the safety of the public.

Costs

6. The cost of the inspection and certification required under section 4 or 5 shall be borne by the Corporation.

Powers of
O.M.B.
R.S.O. 1950,
c. 331

7. Nothing in this Act shall be construed to derogate from the powers of the Ontario Municipal Board under *The Railways Act*.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title


9. The short title of this Act is the *Victoria County Railway Company Limited Act, 1990*.

Bill Pr64

(Chapter Pr15
Statutes of Ontario, 1990)

An Act to revive Ontario Skeet Shooting Association

Mr. Cureatz


CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	May 2nd, 1990
<i>2nd Reading</i>	May 31st, 1990
<i>3rd Reading</i>	May 31st, 1990
<i>Royal Assent</i>	May 31st, 1990

Bill Pr64

1990

An Act to revive Ontario Skeet Shooting Association

Whereas William T. Marsh and Jennie A. Marsh hereby represent that Ontario Skeet Shooting Association, herein called the Association, was incorporated by letters patent dated the 5th day of August, 1977; that the Minister of Consumer and Commercial Relations by order made under the authority of subsection 317 (9) of the *Corporations Act*, cancelled the certificate of incorporation of the Association and declared the Association to be dissolved on the 8th day of September, 1982; that the applicants were all the directors of the Association at the time of its dissolution; that notice of default, although sent to each of the applicants as directors, was not received by any of them and none of them was aware of the dissolution of the Association until more than two years after the date thereof; that the Association at the time of its dissolution was carrying on its activities and has continued to carry on its activities in the name of the Association since the time of its dissolution; and whereas the applicants hereby apply for special legislation reviving the Association; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1980,
c. 95

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Ontario Skeet Shooting Association is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

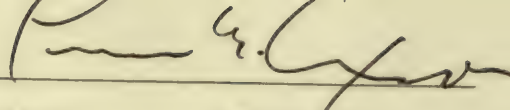
Revival

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Ontario Skeet Shooting Association Act, 1990*.

Short title

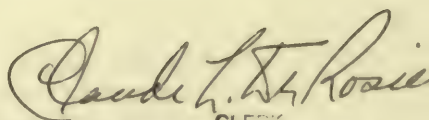


Bill Pr67

*(Chapter Pr16
Statutes of Ontario, 1990)*

An Act to revive the Harewood Park Association

Mr. MacDonald



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	May 7th, 1990
<i>2nd Reading</i>	May 31st, 1990
<i>3rd Reading</i>	May 31st, 1990
<i>Royal Assent</i>	May 31st, 1990

Bill Pr67

1990

An Act to revive the Harewood Park Association

Whereas Michael Henderson, David Hanes, Mary Seifred, Len Hessels, Bernhard Steglich, Nelson Freedman, Margaret Pickles and Roslyn Hanes hereby represent that the Harewood Park Association, herein called the Corporation, was incorporated by letters patent dated the 5th day of April, 1965; that the Minister of Consumer and Commercial Relations by order made under the authority of subsection 317 (9) of the *Corporations Act* cancelled the letters patent of the Corporation for default in complying with the *Corporations Information Act* and declared the Corporation to be dissolved on the 27th day of January, 1987; that the applicants were the directors of the Corporation when it was dissolved; that the default occurred by reason of inadvertence; that the Corporation at the time of its dissolution was carrying on the functions authorized by its letters patent and since that time these functions have continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1980,
cc. 95, 96

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Harewood Park Association is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as of the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Revival

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Harewood Park Association Act, 1990*.

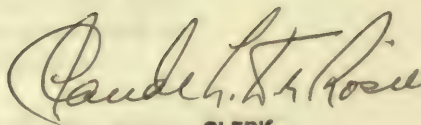
Short title

Bill Pr65

(Chapter Pr26
Statutes of Ontario, 1990)

An Act respecting the Township of Plympton

Mr. Smith



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 6th, 1990
<i>2nd Reading</i>	June 28th, 1990
<i>3rd Reading</i>	June 28th, 1990
<i>Royal Assent</i>	June 28th, 1990

Bill Pr65

1990

An Act respecting the Township of Plympton

Whereas The Corporation of the Township of Plympton, herein called the Corporation, hereby represents that it has entered into an agreement with Her Majesty the Queen in Right of Ontario as represented by the Minister of the Environment for the supply of water to the Corporation which is a participating municipality in the East Lambton Area Water Supply System; that it is desirable that the Corporation be given the power to impose water works rates on a per parcel basis upon the owners or occupants of land described in the Schedule; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Corporation may by by-law impose a water works rate computed under subsection 218 (8) of the *Municipal Act* upon the owners or occupants of each parcel of land located within the lands described in the Schedule or who connect to the watermains constructed thereon even if the water works to which the by-law relates have been constructed or are under construction at the time the by-law is passed.

By-laws
respecting
water works
rate
R.S.O. 1980,
c. 302

(2) A by-law under subsection (1) applies only to water-works constructed or in the process of being constructed on the date this Act comes into force.

Restriction

2. If a parcel or parcels has had more than one assessment that has been combined, the Corporation may consider the parcel or parcels to be individually assessed for the purposes of this Act.

Combined
assessments

3. A rate computed under section 1 shall be deemed to be a rate computed under subsection 218 (8) of the *Municipal Act* and the rate may be imposed in accordance with subsection 218 (2) of that Act.

Deeming
provision

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Township of Plympton Act, 1990*.

SCHEDULE

<i>ON</i>	<i>FROM</i>	<i>TO</i>
Con. 2	Lot 29	Lot 30
Con. 3	Lot 29	Lot 30
Con. 4	Lot 1 including South Part West 1/2 Lot 7 which abuts 6/7 Sideroad	Lot 30
Con. 5	Lot 1 including Parts of Lot 6 and Lot 7 which abut 6/7 Sideroad	Lot 30
Con. 6	East 1/2 Lot 6	West Part Lot 7
Con. 7	East 1/2 Lot 6	West 1/2 Lot 7
Con. 8	Lot 6	West 1/4 Lot 7
Con. 9	Lot 6	West 1/2 Lot 7
Con. 9	Northerly Part Lot 9 abut- ting County Road No. 7	Northerly Part Lot 10 abut- ting County Road No. 7
Con. 10	Lot 7	Lot 9
Con. 10	Lot 9 abutting County Road No. 7	Lot 10 abutting County Road No. 7
Front Con.	East Part Lot 18 excluding properties which abut or front on the existing Camla- chie Area Water System	West Part Lot 19
Front Con.	East Part Lot 18	Between Egremont Road and Old Lakeshore Road
Front Con.	Lot 19	Lot 20
Front Con. County Road No. 7	Lot 20	Lot 51
Con. 15	North Part of lots 22 and 23 which front only on County Road No. 12	
Con. 15	Part Lot 25 described as Part 1 25R1513	

The above includes lots 40, 43, 45, 48, 50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 76, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95 and 97 on Registered Plan Number 448.

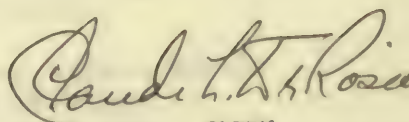
The above excludes Registered Plan Numbers 17, 21 and 23.

Bill Pr66

(Chapter Pr21
Statutes of Ontario, 1990)

An Act respecting the Town of Simcoe

Mr. Miller



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 5th, 1990
<i>2nd Reading</i>	June 19th, 1990
<i>3rd Reading</i>	June 19th, 1990
<i>Royal Assent</i>	June 21st, 1990

Bill Pr66

1990

An Act respecting the Town of Simcoe

Whereas The Corporation of the Town of Simcoe considers it desirable to eliminate the requirement set out in *The Town of Simcoe Act, 1947*, being chapter 140, that any change of use of the land owned by the Town and known as Market Square be assented to by the electors of the Town; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Town of Simcoe Act, 1947* is repealed and the following substituted:

1947, c. 140

3.—(1) The Corporation of the Town of Simcoe is the owner of land described in subsection (2) and commonly known as the Market Square free from all restrictions and limitations as to the use and disposal thereof.

Market Square

(2) Subsection (1) applies to that land located in the Town of Simcoe described as all of Block 72 on Plan 182 filed in the Land Registry Office for the Registry Division of Norfolk.

Description

2. The Corporation of the Town of Simcoe shall register a copy of this Act in the Land Registry Office for the Registry Division of Norfolk within three months of its coming into force.

Registration

3. This Act comes into force on the day it receives Royal Assent.

Commencement

4. The short title of this Act is the *Town of Simcoe Act, 1990*.

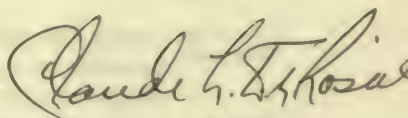
Short title

Bill Pr68

(Chapter Pr27
Statutes of Ontario, 1990)

An Act respecting the Township of Front of Leeds and Lansdowne

Mr. Runciman



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 13th, 1990
<i>2nd Reading</i>	June 28th, 1990
<i>3rd Reading</i>	June 28th, 1990
<i>Royal Assent</i>	June 28th, 1990

Bill Pr68

1990

An Act respecting the Township of Front of Leeds and Lansdowne

Whereas The Corporation of the Township of Front of Leeds and Lansdowne hereby represents that, as a result of reassessment under section 63 of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, a manufacturing and industrial assessment factor has been applied in the municipality that the council of the Township considers to be high when compared to other similar municipalities and that the council believes has operated as a deterrent to industrial development or expansion in the Township; and whereas The Corporation of the Township of Front of Leeds and Lansdowne hereby applies for special legislation to provide relief from the effects of the reassessment; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "assessor" means an assessor as defined in clause 1 (c) of the *Assessment Act*.

Definition
R.S.O. 1980,
c. 31

2.—(1) If, on or after the 1st day of July, 1990, the assessment of real property assessed as manufacturing or industrial in the Township of Front of Leeds and Lansdowne increases by at least \$5,000 as a result of the erection, alteration, enlargement or improvement of any building, structure, machinery, equipment or fixture, the assessor shall make such further assessment as may be necessary to reflect the change, but the increase in assessed value shall be at 65 per cent of that which otherwise would apply.

Reduction of
assessment

(2) If, on or after the 1st day of July, 1990, the assessment of real property is changed to manufacturing or industrial from any other class, the assessor shall compute the manufacturing or industrial assessment in the same manner as other manufacturing or industrial assessment has been determined within the Township of Front of Leeds and Lansdowne, but

Idem

the assessed value of such reclassified property shall be at 65 per cent of the computed amount.

Limitation

R.S.O. 1980,
c. 31

(3) This section does not operate so as to deprive the owner of real property from the benefit of any exemption from assessment otherwise available under the *Assessment Act*.

Alteration by
tribunal or
court

3. If any complaint, appeal, proceeding or action pertains to real property assessed totally or partially under section 2, the Assessment Review Board, the Ontario Municipal Board or any court in determining the value at which that real property shall be assessed shall refer to the unrevised assessed value and the assessed value at which similar property in the vicinity is assessed and, if an assessment is to be altered in respect of that real property, the Assessment Review Board, the Ontario Municipal Board or the court, as the case may be, shall make its determination so that the altered assessment is consistent with the 65 per cent reduction described in section 2.

Repeal

4.—(1) This Act is repealed on a day to be named by order of the Minister of Revenue.

Application
of
R.S.O. 1980,
c. 446

(2) The *Regulations Act* applies to an order under subsection (1).

Effect of
repeal

(3) Reductions in assessment given under this Act cease to apply on the day this Act is repealed.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

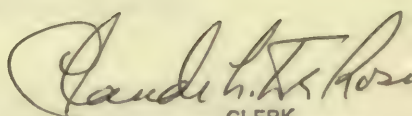
6. The short title of this Act is the *Township of Front of Leeds and Lansdowne Act, 1990*.

Bill Pr69

(Chapter Pr22
Statutes of Ontario, 1990)

An Act respecting AXA Home Insurance Company

Ms Poole


CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 5th, 1990
<i>2nd Reading</i>	June 19th, 1990
<i>3rd Reading</i>	June 19th, 1990
<i>Royal Assent</i>	June 21st, 1990

Bill Pr69

1990

An Act respecting AXA Home Insurance Company

Whereas AXA Home Insurance Company, herein called the Company, hereby represents that it was incorporated as Gibraltar Insurance Company under the laws of the Province of Ontario by letters patent dated the 22nd day of April, 1958; that the letters patent were amended by supplementary letters patent dated the 3rd day of June, 1958 and the 26th day of April, 1962; that the name of the Company was changed to Gibraltar General Insurance Company by supplementary letters patent dated the 1st day of May, 1970; that the letters patent were further amended by supplementary letters patent dated the 6th day of February, 1975, the 12th day of November, 1975, the 21st day of June, 1978, the 14th day of November, 1979, the 10th day of June, 1985 and the 20th day of July, 1988; that the name of the Company was further changed to AXA Home Insurance Company by supplementary letters patent dated the 3rd day of February, 1989; that the Company desires to be continued under the jurisdiction of the Parliament of Canada; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to authorization by special resolution under the *Corporations Act*, the Company may apply to the Minister of Finance of Canada or such other Minister of Canada responsible therefor for letters patent continuing the Company as if it had been incorporated under an Act of the Parliament of Canada and providing *inter alia* that all rights and interests of the shareholders, policyholders and creditors of the Company in, to or against the property, rights and assets of the Company and all liens upon the property, rights and assets of the Company are unimpaired by such continuation.

Application
authorized
R.S.O. 1980,
c. 95

2. Upon the issue of the letters patent referred to in section 1, the Company shall file with the Minister of Consumer and Commercial Relations a notice of the issue of the letters

Items to be
filed

patent together with a copy of the letters patent certified by the Office of the Superintendent of Financial Institutions Canada and, on and after the date of the filing of the notice, the *Corporations Act* ceases to apply to the Company.

R.S.O. 1980,
c. 95

Minister's
certificate

3. The Minister of Consumer and Commercial Relations may, on receipt of the notice and certified copy of the letters patent referred to in section 2, issue a certificate to the Company confirming the date of the filing.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

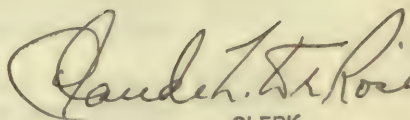
5. The short title of this Act is the *AXA Home Insurance Company Act, 1990*.

Bill Pr70

(Chapter Pr28
Statutes of Ontario, 1990)

An Act respecting the Human Resources Professionals Association of Ontario

Mrs. Cunningham



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	May 15th, 1990
<i>2nd Reading</i>	June 28th, 1990
<i>3rd Reading</i>	June 28th, 1990
<i>Royal Assent</i>	June 28th, 1990

Bill Pr70

1990

An Act respecting the Human Resources Professionals Association of Ontario

Whereas the Personnel Association of Ontario, herein called the Association, hereby represents that it was incorporated under the laws of Ontario by letters patent dated the 17th day of August, 1979 and by supplementary letters patent dated the 7th day of June, 1990 changed its name to the Human Resources Professionals Association of Ontario; that the Association wishes to be continued as a corporation for the purpose of carrying out the objects of the Association and of the government and the discipline of its members; that the Association considers it desirable to grant to members of the Association the right to the exclusive use of the designation "Certified Human Resources Professional" and the initials "C.H.R.P."; and whereas the Association hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Human Resources Professionals Association of Ontario is continued as a corporation without share capital.

Association
continued

(2) The persons registered as members of the Association on the day this Act comes into force and such other persons as become members constitute the corporation.

Members of
corporation

(3) The members of the board and the officers of the Association in office immediately before the coming into force of this Act are hereby continued in office until their successors are appointed or elected in accordance with this Act and the by-laws.

Continuation
of present
board

(4) The letters patent of the Association are revoked, but the revocation of the letters patent does not affect the rights or obligations of the Association or any by-law, resolution or appointment of the Association except to the extent that the

Letters of
patent
revoked

by-laws, resolution or appointment is inconsistent with this Act.

Special Act
incorporation

(5) The Association shall be deemed to be a corporation incorporated by a special Act.

Objects

2. The objects of the Association are,

- (a) to establish and encourage the acceptance and maintenance of uniform province-wide standards of knowledge, experience and ethics for all persons engaged in the field of human resources management;
- (b) to promote and further the education and improve the competence of persons engaged in human resources management by granting registration and membership to persons who meet the standards of the Association;
- (c) to hold examinations and prescribe tests of competency deemed appropriate to qualify membership in and certification by the Association;
- (d) to maintain discipline among members of the Association;
- (e) to provide a medium for communication and exchange of information, knowledge and ethical standards for those persons engaged in the field of human resources management;
- (f) to sponsor, encourage and promote liaison with other individuals, associations and groups engaged in similar or related fields of activity; and
- (g) to promote the interests of the Association.

Board of
directors

3.—(1) The affairs of the Association shall be managed by a board of directors.

Composition

(2) The board shall consist of not fewer than fifteen or more than thirty-five members, as the board may determine, elected from the membership of the Association.

Idem

(3) The Association may by by-law provide for the appointment to the board of up to five persons who are not members of the Association.

(4) The Association may by by-law divide the membership of the Association into regions for the purpose of holding local meetings, organizing local activities and electing one or more directors. Local regions

(5) The manner of electing the members of the board, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the board and other necessary details shall be as set out in the by-laws. Elections

(6) A majority of the members of the board constitute a quorum. Quorum

(7) In the case of death, resignation or incapacity of any member of the board, the board shall fill the vacancy in such manner as may be provided by the by-laws of the Association for the balance of the term and, for the purposes of this subsection, absence from three consecutive meetings of the board may be treated by the board as incapacity. Vacancies

(8) The board shall appoint a registrar, who need not be a member of the board, to perform the functions assigned by this Act and the board. Registrar

4.—(1) The board may pass by-laws necessary to conduct the business and carry out the objects of the Association including, By-laws

- (a) prescribing the curriculum and the courses of study to be pursued by students and candidates in order to satisfy the academic requirements of any particular registration;
- (b) prescribing the experience criteria to be met by candidates for registration;
- (c) regulating and governing the conduct of members of the Association in the practice of their profession, by prescribing a code of ethics, rules of professional conduct and standards of practice;
- (d) providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;
- (e) prescribing fees payable to the Association;

- (f) governing the calling, holding and conducting of meetings of the board and of the members of the Association;
- (g) authorizing the making of grants for any purpose that may tend to advance knowledge of human resources management or improve standards of practice.

Confirmation
of by-laws

(2) Every by-law or amendment to a by-law is effective when it is passed but expires with the close of the next annual meeting of the members of the Association held after its passing, unless it is confirmed at that meeting.

Examination
of by-laws

(3) The by-laws of the Association shall be open to examination by the public at the head office of the Association during normal business hours.

Membership

5.—(1) The Association shall grant membership to every person who applies therefor in accordance with the by-laws and the rules of the Association, if the person,

- (a) is of good character;
- (b) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership; and
- (c) has passed such examinations as the board may prescribe by by-law.

Register

(2) The registrar shall keep a register in which shall be entered the names of all members of the Association in good standing, their status, and the categories of qualification to which any registration or certificate relates and within which any member has the rights and privileges of practice.

Inspection of
register

(3) The register shall be open to examination by the public at the head office of the Association during normal business hours.

Appeal

6.—(1) A person who is qualified for membership in the Association and who has been refused membership or a person who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court from the refusal to grant membership or from the sanction.

Record

(2) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of a reasonable fee, the registrar shall furnish the party with a certified copy of the

record of the proceeding, including the documents submitted and the decision appealed from.

7.—(1) Every member of the Association who has satisfied the criteria set out in the by-laws of the Association may use the designation “Certified Human Resources Professional” and may use after his or her name the initials “C.H.R.P.”. Designation

(2) Any person in Ontario who, not being a registered member of the Association, takes or uses the designation of “Certified Human Resources Professional” or its abbreviation “C.H.R.P.” alone or in combination with any other words, name, title or description or implies, suggests or holds out that the person is a certified human resources professional is guilty of an offence. Offence

(3) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the registrar, is sufficient evidence of all persons who are registered in lieu of the production of the original register. Evidence

(4) Any certificate purporting to be signed by a person in his or her capacity as registrar is proof, in the absence of evidence to the contrary, that such person is the registrar without proof of the person's signature or of the person being in fact the registrar. Idem

(5) The absence of the name of any person from a copy of the register produced under subsection (3) is proof, in the absence of evidence to the contrary, that the person is not registered. Idem

8.—(1) The board shall cause the removal of the name of a member from the register, Removal
from register

(a) at the request or with the written consent of the member whose name is to be removed;

(b) where the name has been incorrectly entered;

(c) where notification is received of a member's death;

(d) where the registration of a member has been suspended or revoked through disciplinary proceedings; or

(e) where the member has failed to renew membership.

(2) Subject to subsection (3), the board, on such grounds as it considers sufficient, may cause the name of a person Restoration
to register

removed from the register to be restored thereto either without fee or upon payment to the Association of any arrears in fees.

Idem

(3) If the name of a person whose registration has been suspended or revoked under clause (1) (d) is to be restored to the register, the board may, by resolution, direct that the name be restored subject to such conditions as the board may impose.

Right to
practice
unaffected

9. This Act does not affect or interfere with the right of any person to describe himself or herself as a human resources professional or to work in the field of human resources management.

Surplus

10. Any surplus derived from carrying on the affairs of the Association shall be applied solely in carrying out its objects and shall not be divided among its members.

Commence-
ment

11. This Act comes into force on the day it receives Royal Assent.

Short title

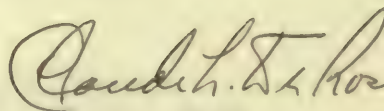
12. The short title of this Act is the *Human Resources Professionals Association of Ontario Act, 1990*.

Bill Pr72

(Chapter Pr17
Statutes of Ontario, 1990)

An Act to revive Silayan Filipino Community Centre

Mr. Velshi



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	April 30th, 1990
<i>2nd Reading</i>	May 31st, 1990
<i>3rd Reading</i>	May 31st, 1990
<i>Royal Assent</i>	May 31st, 1990

Bill Pr72

1990

**An Act to revive
Silayan Filipino Community Centre**

Whereas Carlota T. Rubio, Connie Celso-Kerr and Nilda Exmundo hereby represent that Silayan Filipino Community Centre, herein called the Corporation, was incorporated by letters patent dated the 21st day of February, 1979; that the Minister of Consumer and Commercial Relations by order dated the 27th day of January, 1987 and made under the authority of subsection 317 (9) of the *Corporations Act* cancelled the certificate of incorporation of the Corporation for default in complying with section 5 of the *Corporations Information Act* and declared the Corporation to be dissolved on the 27th day of January, 1987; that Carlota T. Rubio and Connie Celso-Kerr were directors and officers of the Corporation at the time of its dissolution; that the applicants are members of the executive council of the on-going organization carried on in the name of the Corporation; that none of them was aware of the dissolution until more than two years after the date thereof; that the Corporation at the time of its dissolution was carrying on its activities and has continued to carry on its activities in the name of the Corporation since the time of its dissolution; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1980,
cc. 95, 96

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Silayan Filipino Community Centre is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Revival

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

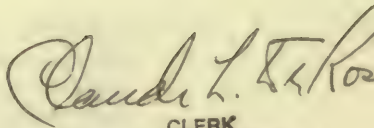
3. The short title of this Act is the *Silayan Filipino Community Centre Act, 1990*.

Bill Pr76

(Chapter Pr18
Statutes of Ontario, 1990)

An Act to revive Jabko Holdings Ltd.

Mr. Owen


CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	May 8th, 1990
<i>2nd Reading</i>	May 31st, 1990
<i>3rd Reading</i>	May 31st, 1990
<i>Royal Assent</i>	May 31st, 1990

ACCORD

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Bill Pr76

1990

An Act to revive Jabko Holdings Ltd.

Whereas Raymond Janse hereby represents that Jabko Holdings Ltd., herein called the Corporation, was incorporated by articles of incorporation dated the 11th day of September, 1974; that the Minister of Consumer and Commercial Relations by order made under the authority of section 239 of the *Business Corporations Act, 1982* cancelled the certificate of incorporation of the Corporation for default in complying with the *Corporations Tax Act* and declared the Corporation to be dissolved on the 24th day of August, 1981; that the applicant was the sole director and common shareholder of the Corporation when it was dissolved; that the default occurred by reason of inadvertence; that the Corporation at the time of its dissolution was carrying on the functions authorized by its articles of incorporation and since that time these functions have continued to be carried on in the name of the Corporation; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

1982, c. 4

R.S.O. 1980,
c. 97

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Jabko Holdings Ltd. is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as of the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Revival

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Jabko Holdings Ltd. Act, 1990*.

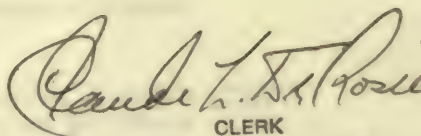
Short title

Bill Pr73

(Chapter Pr23
Statutes of Ontario, 1990)

An Act to revive Ontario Korean Businessmen's Association

Mr. Ruprecht


CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	May 14th, 1990
<i>2nd Reading</i>	June 19th, 1990
<i>3rd Reading</i>	June 19th, 1990
<i>Royal Assent</i>	June 21st, 1990

Bill Pr73

1990

**An Act to revive
Ontario Korean Businessmen's Association**

Whereas In-Ju Whang hereby represents that Ontario Korean Businessmen's Association, herein called the Corporation, was incorporated by letters patent dated the 3rd day of February, 1978; that the Ministry of Consumer and Commercial Relations by order made under the authority of subsection 317 (9) of the *Corporations Act*, cancelled the letters patent of the Corporation for failure to comply with the *Corporations Information Act* and declared the Corporation to be dissolved on the 27th day of January, 1987; that the applicant is a director of the ongoing organization carried on in the name of the Corporation; that the default occurred by reason of inadvertence; that the Corporation at the time of its dissolution was carrying on the functions authorized by its letters patent and since that time these functions have continued to be carried on in the name of the Corporation; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1980,
cc. 95, 96

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Ontario Korean Businessmen's Association is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as of the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Corporation
revived

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. The short title of this Act is the *Ontario Korean Businessmen's Association Act, 1990*.

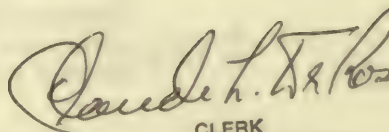
Short title

Bill Pr78

(Chapter Pr29
Statutes of Ontario, 1990)

An Act respecting the City of Mississauga

Mrs. Marland



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 5th, 1990
<i>2nd Reading</i>	June 28th, 1990
<i>3rd Reading</i>	June 28th, 1990
<i>Royal Assent</i>	June 28th, 1990

Bill Pr78

1990

An Act respecting the City of Mississauga

Whereas The Corporation of the City of Mississauga hereby applies for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of the *City of Mississauga Act, 1987*, being chapter Pr8, is repealed and the following substituted:

1987, c. Pr8

2. The council of the Corporation may pass by-laws authorizing and directing the treasurer of the Corporation to allow owners of residential real property in the City of Mississauga a uniform credit or refund in an amount of \$150 per year or such greater amount as the by-law may provide against municipal taxes for the years 1990, 1991, 1992, 1993, 1994 and 1995, in respect of the residential real property,

Tax credit
and refund
authorized

(a) if the owner or the spouse of the owner, or both,

(i) has or have attained the age of sixty years and is or are receiving benefits under the *Family Benefits Act* or assistance under the *General Welfare Assistance Act*, or

R.S.O. 1980,
cc. 151, 188

(ii) has or have attained the age of sixty-five years and is or are receiving a monthly guaranteed income supplement under Part II of the *Old Age Security Act* (Canada), or

R.S.C. 1985,
c. O-9

(iii) is or are handicapped and is or are receiving benefits under the *Family Benefits Act* or assistance under the *General Welfare Assistance Act*;

(b) if the owner or the spouse of the owner, or both, occupies or occupy the property in respect of which

municipal taxes are imposed as his, her or their personal residence; and

- (c) if the owner or the spouse of the owner, or both, has or have been assessed as the owner of residential real property in the municipality for a period of not less than one year, or for a period of not less than such other number of years up to five as the by-law may provide, immediately preceding the date of application for the credit.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

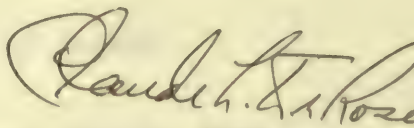
3. The short title of this Act is the *City of Mississauga Act, 1990*.

Bill Pr79

(Chapter Pr24
Statutes of Ontario, 1990)

An Act respecting the Township of Guilford

Mr. Eakins


CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	May 17th, 1990
<i>2nd Reading</i>	June 19th, 1990
<i>3rd Reading</i>	June 19th, 1990
<i>Royal Assent</i>	June 21st, 1990

Bill Pr79

1990

An Act respecting the Township of Guilford

Whereas The Corporation of the United Townships of Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre and Clyde, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation may by by-law authorize the improvement of Deer Lake Drive, in the Township of Guilford, as described in Schedule A.

Road improvements

2.—(1) A charge for the improvements shall be assessed against each of the lots described in Schedule B in the amount set out in subsection (2).

Charge for road improvements

(2) The amount of the charges to be assessed are as follows:

Amount of charges

1. Each lot listed in Category A of Schedule B—\$1,600.
2. Each lot listed in Category B of Schedule B—\$1,100.
3. Each lot listed in Category C of Schedule B—\$850.
4. Each lot listed in Category D of Schedule B—\$850.

(3) The improvements shall be under the direction of the road superintendent of the Corporation.

Road superintendent

3. A by-law passed under section 1 may provide that the amount assessed under this Act be payable in instalments in the manner set out in the by-law.

Payments by instalments

Notice of
by-law

4.—(1) Before passing a by-law under section 1, the council of the Corporation shall notify the owners of the lots to be specially assessed of its intention to pass the by-law.

Service

(2) The notice shall be served by mailing it to each owner at the address shown in the last revised assessment roll of the municipality.

Criteria for
passing
by-law

(3) Unless within one month after the mailing of the notice a majority of the owners representing at least one-half of the value of the lots that are to be specially assessed petition the council not to pass the by-law, the council may pass the by-law.

R.S.O. 1980,
c. 250
applies

(4) Sections 14 and 15 of the *Local Improvement Act* apply to any petition under this section.

Objection to
category

5.—(1) If an owner of a lot described in Schedule B objects to the category in which the lot has been placed for assessment purposes, the owner shall notify the council in writing of the objection within thirty days of the mailing of the notice under subsection 4 (2).

Right to be
heard

(2) The objector has a right to be heard by council.

Amendment
to by-law

(3) If the council determines that the lot has been placed in an inappropriate category for assessment purposes, it may amend the by-law to place the lot in the more appropriate category and, in which case, the lot shall be assessed the amount set out in subsection 2 (2) for that category.

Special
assessment
roll

6. The treasurer of the Corporation shall make a special assessment roll in which shall be entered,

- (a) every lot to be specially assessed, the name of the owner, the category of the lot under Schedule B and the amount assessed to the lot; and
- (b) the number of instalments by which the special assessment is to be payable.

Deemed
taxes

7. Charges assessed under a by-law passed under section 1 shall be deemed to be municipal taxes.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is the *Township of Guilford Act, 1990*.

SCHEDULE A

FIRSTLY:

All of Deer Lake Drive as shown on Registered Plan 541 in the Township of Guilford in the County of Haliburton.

SECONDLY:

All of Deer Lake Drive as shown on Registered Plan 532 in the Township of Guilford in the County of Haliburton.

THIRDLY:

Part of Lot 34 in Concession 2 of the Township of Guilford in the County of Haliburton designated as Part 5 on Plan 19R-2791.

SCHEDULE B

CATEGORY A

Lots fronting on Basshaunt Lake:

Plan 532—Lots 1A, 1B, 2, 3, 4, 5, 6, 7A, 7B, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28.

Plan 19R-2791—Parts 1, 2, 3, 4.

CATEGORY B

Back lots fronting on Deer Lake Drive and East Court:

Plan 582—Lots 134, 135, 136, 137, 138, 139, 140, 141, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161.

CATEGORY C

Lots on Plan 582 using Deer Lake Drive or East Court for access only:

Plan 582—Lots 128, 129, 130, 131, 132, 133, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151.

CATEGORY D

Lots on Plan 541 fronting on Deer Lake Drive:

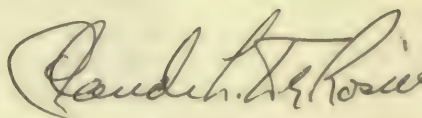
Plan 541—Lots 30, 45, 46, 47, 48, 49.

Bill Pr87

(Chapter Pr30
Statutes of Ontario, 1990)

An Act to revive The Empire Club Foundation

Mr. Polsinelli



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 20th, 1990
<i>2nd Reading</i>	June 28th, 1990
<i>3rd Reading</i>	June 28th, 1990
<i>Royal Assent</i>	June 28th, 1990

WALL

WALL

WALL

WALL



WALL

WALL

Bill Pr87

1990

An Act to revive The Empire Club Foundation

Whereas Bruce J. Legge, Henry N. R. Jackman, Robert H. Hilborn, Reginald W. Lewis, John W. Griffin, Robert L. Armstrong, Warren Armstrong, Sir Arthur Chetwynd, C. Warren Goldring, Peter Hermant, John D. Herrick, Peter W. Hunter, Arthur E. M. Inwood, Arthur J. Langley, Hartland M. MacDougall, John A. MacNaughton, Frank E. McEachren, Donald G. Neelands and John M. Thompson hereby represent that The Empire Club Foundation, herein called the Corporation, was incorporated by letters patent dated the 22nd day of January, 1969; that the Minister of Consumer and Commercial Relations by order dated the 27th day of January, 1987 and made under the authority of subsection 317 (9) of the *Corporations Act* cancelled the letters patent of the Corporation for default in complying with section 5 of the *Corporations Information Act* and declared the Corporation to be dissolved on the 27th day of January, 1987; that the applicants are executive members and directors of the ongoing organization carried on in the name of the Corporation; that the default occurred by reason of inadvertence; that none of the applicants were aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of the dissolution was carrying on the functions authorized by its letters patent and since that time these functions have continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1980,
cc. 95, 96

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Empire Club Foundation is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as of the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Corporation
revived

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

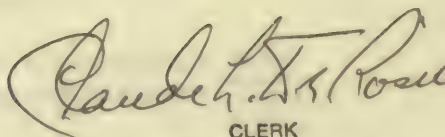
3. The short title of this Act is the *Empire Club Foundation Act, 1990*.

Bill Pr88

(Chapter Pr31
Statutes of Ontario, 1990)

An Act respecting the Town of Niagara-on-the-Lake

Mr. Dietsch



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 7th, 1990
<i>2nd Reading</i>	June 28th, 1990
<i>3rd Reading</i>	June 28th, 1990
<i>Royal Assent</i>	June 28th, 1990

Bill Pr88

1990

An Act respecting the Town of Niagara-on-the-Lake

Whereas The Corporation of the Town of Niagara-on-the-Lake hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Definitions

“council” means the council of the Town;

“designated area” means the area designated by by-law under subsection 2 (1);

“Town” means The Corporation of the Town of Niagara-on-the-Lake.

(2) A reference in this Act to land area is a reference to land in the designated area that is capable of cultivation and all rates and charges established under this Act shall be calculated on the basis of land capable of cultivation.

Interpretation
and
calculation

2.—(1) The council of the Town may by by-law establish and operate an irrigation system servicing the area designated in the by-law.

By-law
respecting
irrigation
system

(2) Before passing a by-law under subsection (1), notice of the intention to pass the by-law and a petition supporting the irrigation system and authorizing a detailed engineering study of the proposed system shall be mailed to each owner of land in the designated area.

Notice,
petition

(3) If the owners of more than 60 per cent of the hectareage of land in the designated area submit a signed petition within thirty days of the mailing of the notice, the council may by by-law authorize the engineering study which shall include an estimate of costs of the proposed irrigation system and the

Engineering
study

maximum additional rate of flow that will be permitted to pass through the proposed irrigation system.

Report to be distributed

(4) Upon the filing of the engineering report, the council shall ensure that the contents of the report, including the estimated costs, and notice of the rights under subsection (5) are mailed to the owners in the designated area.

Changes to petition

(5) The owners in the designated area shall have thirty days after the mailing of the report to add or delete their names from the petition.

Rejection of proposal

(6) If the petition reveals that the owners of less than 60 per cent of the hectareage in the designated area remain in favour of the proposed irrigation system, the council shall not pass the by-law unless those persons remaining in favour of the proposal agree to pay the total cost of the proposed irrigation system including the engineering study.

If no by-law

(7) If a by-law is not passed, the costs of the engineering study shall be apportioned among those persons who signed the original petition on the basis of land area.

Support for project

(8) If the petition reveals that the owners of 60 per cent or more of the land in the designated area remain in favour of the irrigation system,

- (a) the council may pass the by-law and establish and operate the irrigation system;
- (b) the costs of the engineering study and the cost of establishing the irrigation system shall be apportioned among the owners of land in the designated area on the basis of land area;
- (c) the costs of operating and maintaining the irrigation system shall be apportioned among the owners of land who agreed by petition to the establishment of the system and such other persons in the designated area that later agree and are permitted to participate in the system or are added to the designated area under subsection (11); and
- (d) if a portion of the irrigation system is also a drainage works under the *Drainage Act*, the cost of maintaining that portion shall be divided so that one-half is borne by the persons responsible for the drain and one half is borne by the persons described in clause (c).

(9) The clerk of the Town shall promptly mail notice of the passage of the by-law under subsection (8) to all owners of land abutting the irrigation system and to the Niagara Peninsula Conservation Authority. Notice

(10) An owner who receives a notice under subsection (9) may, within thirty days from the date of the mailing of the notice, appeal to the Ontario Municipal Board with respect to, Appeal to
O.M.B.

- (a) whether or not the maximum additional rate of flow of water that will be permitted to pass through the proposed irrigation system is too great or too little;
- (b) whether the owner's land should be added to or deleted from the designated area; and
- (c) whether the assessment accurately reflects the hectarage of the owner's land that is capable of cultivation.

(11) The by-law of the council shall be amended to conform with the Ontario Municipal Board's decision. Amendment
to by-law

3.—(1) If the costs for the irrigation system, as bid, exceed the original estimates of costs by more than 25 per cent, the owners of land in the designated area shall be notified by the clerk of the Town. Where costs
exceed
estimates

(2) The work on the irrigation system shall proceed, Work to
proceed

- (a) if the owners of 60 per cent of the land in the designated area approve the additional costs; or
- (b) if 60 per cent of the owners fail to approve the additional costs but the remaining owners agree to pay all of the costs.

(3) If clause (2) (b) applies, those owners who were not willing to pay the additional costs are excluded from participating in the irrigation system but this subsection does not prevent those owners from later being included in the irrigation system under clause 2 (8) (c) or section 5. Exclusion

(4) If an approval or agreement is not obtained under subsection (2), the work on the irrigation system shall be abandoned and the costs, including the costs of the Ontario Municipal Board appeal and the other costs incurred by the Town in carrying out the procedures under this Act, shall be Work not to
proceed

apportioned among the owners of land in the designated area on the basis of land area.

Lien

4. Any costs apportioned under this Act shall be a lien upon the land to which they relate and may be added to the collector's roll and collected in like manner as municipal taxes.

Land added
later

5.—(1) The Town shall have the right to add land to the designated area after construction of the irrigation system if,

- (a) the irrigation system does not have to be extended;
- (b) the maximum rate of flow of water that will be permitted to pass through the proposed irrigation system is not increased; and
- (c) the level of service established under the by-law is maintained for those already in the system.

Allocation of
funds

(2) Any money received by the Town in payment for the right to add land to the irrigation system shall be used by the Town,

- (a) to retire the debentures for the irrigation system and, once retired, to improve and maintain the irrigation system;
- (b) if the irrigation system no longer exists, to retire the debentures for other irrigation works and, once retired, to improve and maintain those works; and
- (c) if no other irrigation works exist, to support the general purposes of the Town.

Contents of
by-law

6.—(1) A by-law passed under subsection 2 (1) may,

- (a) establish the conditions under which and the times in which water may be taken from the irrigation system;
- (b) adopt from the engineering report the rates at which water will be added into the irrigation system;
- (c) regulate the amounts of water which may be taken out of the irrigation system;
- (d) prohibit access to water in the irrigation system except in accordance with the by-law;

- (e) prohibit the sale or re-sale of water taken from the irrigation system;
- (f) establish the period during which the irrigation system will be in operation;
- (g) declare existing waterways to form part of the irrigation system;
- (h) regulate the equipment and facilities by which water may be drawn;
- (i) establish standards for the maintenance of the irrigation system;
- (j) establish the costs for adding land to the designated area;
- (k) establish the charges and levies for the construction, operation and maintenance of the irrigation system and the manner and timing of the collection of these charges and levies.

(2) The council may by by-law provide for the issuing of debentures for a term not exceeding ten years for the capital cost of the irrigation system. Debentures

(3) A by-law under subsection (2) may include an option to the owners participating in the irrigation system to commute their portion of the capital costs before issuing the debentures. Early payment

7. In establishing the irrigation system, the Town has the power to purchase, lease or expropriate land, rights-of-way in land and easements over land necessary for the project. Acquisition of land

8.—(1) An agent or employee of the Town may enter upon land for the purpose of constructing, maintaining and inspecting the irrigation system. Powers of entry

(2) The Town shall restore any land not owned by the Town that is affected by the construction, maintenance or inspection of the irrigation system as closely as practicable to its condition before the construction, maintenance or inspection. Restoration of land

(3) If there is reason to believe that any equipment is being used to obtain unauthorized or improper access to the irrigation system, an agent or employee of the Town may apply to a justice of the peace for a warrant authorizing the entry upon Warrant for entry

land where the equipment is located and seizing the equipment.

Issue of
warrant

(4) If the justice of the peace is satisfied by evidence under oath of an agent or employee of the Town that there is reason to believe that equipment is being used to obtain unauthorized or improper access to the irrigation system, the justice of the peace may issue a warrant authorizing the agent or employee named in the warrant, together with such police officers as may be called upon for assistance, to enter upon the land and seize the equipment.

Receipt

(5) The agent or employee of the Town shall, upon request, give a receipt for any equipment seized under subsection (4).

Execution

(6) A warrant issued under subsection (4) shall be executed at reasonable times as specified in the warrant and the warrant shall state the date upon which it expires which date shall not be later than fifteen days after the warrant is issued.

Application
to court

(7) The owner of any seized equipment may apply to the District Court within thirty days of the seizure and the Court may return the items to their owner upon such terms, including an injunction preventing the owner from further access to the irrigation system, as the Court considers just.

Disposal of
goods

(8) If application is not made within thirty days to the District Court, or such extended time, up to a maximum of one year, as the Court by leave may grant, the goods shall become the property of the Town and may be sold by it and the proceeds used for the purposes of the irrigation system.

Proof of
identity

(9) When carrying out his or her duties under this section, an agent or employee of the Town shall provide identification and authorization upon request.

Riparian
rights
restricted

9. If an existing watercourse is declared to be part of the irrigation system, no person shall draw water from that watercourse during the period the irrigation system is in operation except in accordance with the by-law.

Private
irrigation
works

10.—(1) The council may by by-law allow privately-owned irrigation works to be placed in municipal road allowances in the manner and at the locations specified in the by-law.

Insurance

(2) A by-law under subsection (1) may require the owner of the drains to obtain insurance against any damage that may result from water escaping from the drains.

11.—(1) This Act, or a by-law passed under this Act, does not prevent the owner of land abutting the irrigation system from continuing to use the amount of water authorized by a permit issued on or before the 19th day of June, 1990 under section 20 of the *Ontario Water Resources Act*.

Rights
protected

R.S.O. 1980,
c. 361

(2) The land to which subsection (1) applies shall form part of the designated area and a by-law passed under this Act may impose the same controls over use and charges for the use as are imposed on the remaining lands in the designated area.

Land part of
designated
area

12.—(1) If the notice of assessment in respect of the operation of the irrigation system contains a numerical or clerical error, the owner of the land may apply to the clerk of the Town for a correction of the error within thirty days of receiving the notice.

Clerical,
numerical
errors

(2) If the clerk of the Town neglects or refuses to dispose of an application under this section within thirty days after receiving it, an appeal lies to the court of revision established under the *Local Improvement Act* in respect of the numerical or clerical error but not in respect of an error in judgment in making the assessment.

Appeal to
court of
revision

R.S.O. 1980,
c. 250

13.—(1) The Town is not liable for damages caused by any shortage of water in the irrigation system.

Exemption
from liability

(2) The Town is not liable for damages caused by any excess of water in the irrigation system unless it introduces water into the irrigation system at a rate exceeding the maximum flow of water permitted to pass through the irrigation system as established by the engineering report and modified by the Ontario Municipal Board under subsection 2 (10).

Limited
exemption

14. Every person who interferes or obstructs an agent or employee of the Town in the exercise of his or her powers under section 8 is guilty of an offence.

Offence,
obstruction

15.—(1) If there is a conflict between a by-law passed under this Act and the *Lakes and Rivers Improvement Act*, that Act prevails.

Conflict
R.S.O. 1980,
c. 229

(2) If there is a conflict between a by-law passed under this Act and a regulation made under section 28 of the *Conservation Authorities Act*, the regulation prevails.

Idem
R.S.O. 1980,
c. 85

Commence-
ment

16. This Act comes into force on the day it receives Royal Assent.

Short title

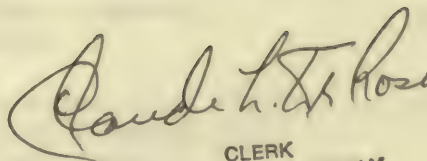
17. The short title of this Act is the *Town of Niagara-on-the-Lake Act, 1990*.

Bill Pr90

(Chapter Pr32
Statutes of Ontario, 1990)

An Act respecting St. George's Society of Toronto

Mr. Reville



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 5th, 1990
<i>2nd Reading</i>	June 28th, 1990
<i>3rd Reading</i>	June 28th, 1990
<i>Royal Assent</i>	June 28th, 1990

Bill Pr90

1990

An Act respecting St. George's Society of Toronto

Whereas St. George's Society of Toronto hereby represents that it was incorporated in 1858 under the Statutes of the Province of Canada, being chapter 72; that its Act of incorporation requires that notice of changes to its by-laws be advertised in two daily newspapers in the City of Toronto; that the cost of complying with this requirement is substantial; and whereas the applicant hereby applies for special legislation waiving this requirement and permitting it to set out notice requirements in its by-laws; and whereas the applicant also applies to alter the composition of the committee of management; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Despite section 2 of *An Act to incorporate the St. George's Society of Toronto*, being chapter 72 of 22 Victoria, 1858, as amended by the Statutes of Ontario, 1885, chapter 86, section 2, the committee of management shall consist of a president, first, second and third vice-presidents, a secretary, a treasurer and not less than eight other members.

Composition
of committee

2.—(1) Despite section 4 of *An Act to incorporate the St. George's Society of Toronto*, being chapter 72 of 22 Victoria, 1858, as remade by the Statutes of Ontario, 1885, chapter 86, section 4, and despite section 6 of *An Act respecting the St. George's Society of Toronto*, being chapter 86 of the Statutes of Ontario, 1885, St. George's Society of Toronto is not required to advertise in any newspaper any proposed by-law, amendment to a by-law or repeal of a by-law.

Advertisement
requirement
waived

(2) Notice to the members of the Society of any proposed by-law, amendment to a by-law or repeal of a by-law shall be given in the manner set out in the by-laws of the Society.

Notice

3. *An Act respecting the St. George's Society of Toronto*, being chapter 110 of the Statutes of Ontario, 1891, is repealed.

Repeal

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

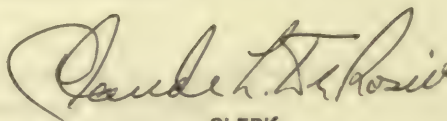
5. The short title of this Act is the *St. George's Society of Toronto Act, 1990*.

Bill Pr92

(Chapter Pr33
Statutes of Ontario, 1990)

An Act respecting the City of Thunder Bay

Mr. Kozyra



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 20th, 1990
<i>2nd Reading</i>	June 28th, 1990
<i>3rd Reading</i>	June 28th, 1990
<i>Royal Assent</i>	June 28th, 1990

Bill Pr92

1990

An Act respecting the City of Thunder Bay

Whereas The Corporation of the City of Thunder Bay, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth. Preamble

And whereas it is expedient to grant the application.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Definitions

“highway” means a common and public highway which has not been stopped up and closed by a by-law of the Corporation;

“pedestrian promenade” means a pedestrian promenade established under *The City of Thunder Bay Act, 1977*. 1977, c. 108

2. The Council of the Corporation may by by-law establish or continue all or any part of the land described in the Schedule solely or principally as a pedestrian promenade whether or not the land forms all or part of a highway. By-laws re pedestrian promenade

3. The expenditure of funds of the Corporation for the purposes of a pedestrian promenade situated on the lands described in the Schedule does not operate to open up and establish the land as a highway. Highway not created

4. The *Trespass to Property Act* applies to the pedestrian promenade located on any land described in the Schedule which does not form part of a highway. R.S.O. 1980, c. 511 applies

5. This Act comes into force on the day it receives Royal Assent. Commencement

6. The short title of this Act is the *City of Thunder Bay Act, 1990*. Short title

SCHEDULE

1. Portions of Victoria Avenue and Syndicate Avenue in the City of Thunder Bay in the District of Thunder Bay shown on plans W-123 and W-178 described as follows:

Premising the bearing of the south limit of lots 9 to 16 inclusive on Registered Plan W-178 to be east astronomic as shown on Plan W-178 and relating all bearings herein thereto.

Firstly: Commencing at a point where an iron bar has been planted at the southwest angle of Lot 16 on Plan W-178;

Thence east astronomic and along the southerly limits of lots 16, 15, 14, 13, 12, 11, 10 and 9, 62.457 metres to a point where an iron bar has been planted at the southeast angle of Lot 9 on Plan W-178;

Thence south $0^{\circ} 05' 0''$ west 20.117 metres to the northeast angle of Lot 60 on the west side of Brodie Street according to Plan W-123;

Thence north $89^{\circ} 57' 50''$ west and along the south limit of Victoria Avenue 62.430 metres to the northwest angle of Lot 60 on the east side of Syndicate Avenue according to Plan W-123;

Thence south $0^{\circ} 0' 45''$ east and along the east limit of Syndicate Avenue 40.927 metres;

Thence north $89^{\circ} 58' 10''$ west 4.968 metres;

Thence south $0^{\circ} 01' 50''$ west 3.650 metres;

Thence north $89^{\circ} 58' 10''$ west 4.600 metres;

Thence south $0^{\circ} 01' 50''$ west 4.600 metres;

Thence north $89^{\circ} 58' 10''$ west 9.200 metres;

Thence south $0^{\circ} 01' 50''$ west 10.400 metres;

Thence north $89^{\circ} 58' 10''$ west 5.525 metres to a point in the west limit of Syndicate Avenue;

Thence north $0^{\circ} 0' 10''$ west and along the west limit of Syndicate Avenue 59.531 metres to the northeast angle of Lot 60 on the west side of Syndicate Avenue according to Plan W-123;

Thence south $89^{\circ} 56' 30''$ west and along the south limit of Victoria Avenue and the westerly production thereof 66.389 metres;

Thence north $0^{\circ} 01' 50''$ east 5.673 metres;

Thence south $89^{\circ} 58' 10''$ east 4.600 metres;

Thence north $0^{\circ} 01' 50''$ east 14.425 metres to a point in the south limit of Lot 24 on Plan W-178;

Thence north $89^{\circ} 57' 30''$ east along the south limit of lots 24, 23, 22, 21, 20, 19, 18 and 17, 61.809 metres to the southeast angle of Lot 17 on Plan W-178;

Thence north $0^{\circ} 02' 45''$ west and along the west limit of Syndicate Avenue 15.697 metres;

Thence south 89° 58' 10" east 24.257 metres to a point in the east limit of Syndicate Avenue;

Thence south 0° 03' 05" east and along the east limit of Syndicate Avenue 15.646 metres to the place of commencement.

Secondly: The south 1.524 metres of lots 9 to 16 inclusive on Plan W-178.

Thirdly: The south 4.267 metres in perpendicular width of lots 17 to 23 inclusive on Plan W-178.

Fourthly: That portion of Lot 24 on Plan W-178 described as follows:

Commencing at the southeast angle of Lot 24;

Thence north and along the east limit of Lot 24, 4.267 metres;

Thence south 89° 57' 30" west 6.914 metres;

Thence south 0° 01' 50" west 4.267 metres to a point in the south limit of Lot 24;

Thence north 89° 57' 30" east 6.91 metres, more or less, to the place of commencement.

The above-described lands are shown outlined in yellow on Plan signed by Ontario Land Surveyor, J.C.Kirkup, dated at Thunder Bay the 27th day of March, A.D., 1979.

2. Firstly: Parts of lots 58, 59 and 60, east side of Archibald Street, Plan W-178 in the City of Thunder Bay in the District of Thunder Bay, designated as Part 3 on Reference Plan 55R-2837.

Secondly: Portion of the 14 foot wide lane to the rear of lots 58, 59 and 60, east side of Archibald Street, Plan W-178 in the City of Thunder Bay in the District of Thunder Bay, designated as Part 4 on Reference Plan 55R-2837.

Thirdly: Part of Lot 57, east side of Archibald Street, Plan W-178 in the City of Thunder Bay in the District of Thunder Bay, designated as Part 4 on Reference Plan 55R-3820.

Fourthly: Parts of Lot 56, east side of Archibald Street, Plan W-178 in the City of Thunder Bay in the District of Thunder Bay, designated as Parts 8 and 12 on Reference Plan 55R-3820.

Fifthly: Those parts of the lane to the rear of lots 56 and 57, east side of Archibald Street, Plan W-178 in the City of Thunder Bay in the District of Thunder Bay, designated as Parts 13 and 14 on Reference Plan 55R-3820.

3. Part of Syndicate Avenue, Plan W-178 in the City of Thunder Bay in the District of Thunder Bay, described as follows:

Premising the bearing of the south limit of lots 9, 10, 11, 12, 13, 14, 15 and 16 as shown on said Plan W-178 to be east astronomic and relating all bearings herein thereto;

Commencing at a point which may be located as follows:

Beginning at the southeast corner of Lot 17 on Plan W-178;

Thence north $0^{\circ} 02' 45''$ west along the west limit of Syndicate Avenue 15.697 metres;

Thence south $89^{\circ} 58' 10''$ east a distance of 4.000 metres to the point of commencement for this description;

Thence south $89^{\circ} 58' 10''$ east a distance of 16.257 metres, more or less, to a point distant 4.000 metres measured north $89^{\circ} 58' 10''$ west from the east limit of Syndicate Avenue;

Thence north $0^{\circ} 03' 05''$ west parallel to the east limit of Syndicate Avenue 7.500 metres;

Thence north $89^{\circ} 58' 10''$ west a distance of 16.257 metres, more or less, to intersect a line drawn north $0^{\circ} 02' 45''$ west from the point of commencement;

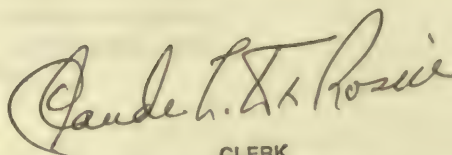
Thence south $0^{\circ} 02' 45''$ east a distance of 7.500 metres to the point of commencement.

Bill Pr93

(Chapter Pr34
Statutes of Ontario, 1990)

An Act to revive Dinorwic Metis Corporation

Mr. Miclash



CLERK
LEGISLATIVE ASSEMBLY

<i>1st Reading</i>	June 20th, 1990
<i>2nd Reading</i>	June 28th, 1990
<i>3rd Reading</i>	June 28th, 1990
<i>Royal Assent</i>	June 28th, 1990

Bill Pr93

1990

An Act to revive Dinorwic Metis Corporation

Whereas George Henry Chief, Louis Edward Ainslie, Marlene McLeod, Shiela Margaret Chief, Alvin Curtis Walmsley, Raymond Marcel Derosier and Lillian Harrison hereby represent that Dinorwic Metis Corporation, herein called the Corporation, was incorporated by letters patent dated the 18th day of August, 1969; that the Minister of Consumer and Commercial Relations by order dated the 27th day of January, 1987 and made under the authority of subsection 317 (9) of the *Corporations Act* cancelled the letters patent of the Corporation for default in complying with section 5 of the *Corporations Information Act* and declared the Corporation to be dissolved on the 27th day of January, 1987; that the applicants are the directors of the ongoing organization carried on in the name of the Corporation, having been elected in March of 1987; that notice of default in filing annual returns, although sent to each of the previous directors, was not communicated to any of the applicants and no one appears to have been aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of its dissolution was carrying on activity and since that time activity has continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1980,
cc. 95, 96

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Dinorwic Metis Corporation is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Corporation
revived

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

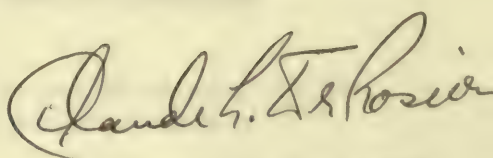
3. The short title of this Act is the *Dinorwic Metis Corporation Act, 1990*.

Bill Pr97

(Chapter Pr35
Statutes of Ontario, 1990)

An Act respecting the City of Kingston and the townships of Kingston, Pittsburgh and Ernestown

Mr. Keyes



LEGISLATIVE ASSEMBLY
CLERK

<i>1st Reading</i>	June 20th, 1990
<i>2nd Reading</i>	June 28th, 1990
<i>3rd Reading</i>	June 28th, 1990
<i>Royal Assent</i>	June 28th, 1990

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Bill Pr97

1990

**An Act respecting the
City of Kingston and the townships of Kingston,
Pittsburgh and Ernestown**

Whereas The Corporation of the City of Kingston, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the Township of Ernestown have formed a taxi licensing commission empowered to license, regulate and govern the owners and drivers of taxicabs; and whereas it is desirable that the licensing commission be empowered to license, regulate and govern taxicab brokers; and whereas the four municipalities hereby apply for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 3 and 4 of the *City of Kingston and townships of Kingston, Pittsburgh and Ernestown Act, 1989* are repealed and the following substituted:

1989, c. Pr29

3.—(1) The Commission may pass by-laws for licensing, regulating and governing the owners, drivers and brokers of taxicabs.

Licensing powers

(2) In this section and in section 4, "broker" has the same meaning as "taxi-cab broker" in paragraph 6 of section 227 of the *Municipal Act*.

Definition

R.S.O. 1980,
c. 302

(3) The power to license, regulate and govern the owners, drivers and brokers of taxicabs includes,

Contents of
by-law

- (a) the power to grant, refuse, revoke or suspend a licence;
- (b) the power to make any licence subject to such conditions as the Commission may prescribe;

- (c) the power to establish and collect licence fees; and
- (d) the power to require that public liability property damage or other insurance in the form and to the amount specified in the by-law be provided in respect of each taxicab operated.

Idem

(4) A by-law under subsection (1) may,

- (a) establish rates or fares to be charged by the owners, drivers and brokers of taxicabs for the conveyance of goods or passengers within the area comprising the participating municipalities or to any point not more than five kilometres beyond the limits of that area;
- (b) provide for the collection of the rates or fares established under clause (a); and
- (c) limit the number of taxicabs.

Exemptions

(5) A by-law passed under subsection (1) may exempt from all or any of its provisions, upon such conditions as may be set out in the by-law, the owners, drivers and brokers of taxicabs,

- (a) engaged in the conveyance of children taking the taxicab both to and from nursery school, school or other full-time educational institution; or
- (b) engaged in the conveyance of physically, emotionally or mentally handicapped persons, as defined in the by-law, from any point within the participating municipalities to any point outside the participating municipalities if the conveyance is made pursuant to a written contract and the taxicab is licensed under a by-law passed by any municipality.

Idem

(6) A by-law passed under subsection (1) may exempt from all or any of its provisions the owners, drivers and brokers of taxicabs with respect to which there is a valid and subsisting licence issued before the coming into force of this Act by a municipality named in the by-law.

Transfer of
Power

R.S.O. 1980,
c. 302

4. The power of the participating municipalities to license, regulate and govern the owners, drivers and brokers of taxicabs under the *Municipal Act* or any special Act is vested in the Commission.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. The short title of this Act is the *City of Kingston and townships of Kingston, Pittsburgh and Ernestown Act, 1990*. Short title

